

BEFORE THE
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY)
OF ILLINOIS)
) No. 12-0598
Petition for a Certificate of)
Public Convenience and Necessity,)
pursuant to Section 8-406.1 of)
Illinois Public Utilities Act,)
To Construct, Operate and Maintain)
A New High Voltage Electric)
Service Line and Related)
Facilities in the Counties of)
Adams, Brown, Cass, Champaign,)
Christian, Clark, Coles, Edgar,)
Fulton, Macon, Montgomery, Morgan,)
Moultrie, Pike, Sangamon, Schuyler,)
Scott and Shelby, Illinois.)

Springfield, Illinois
May 13, 2013

Met, pursuant to adjournment, at 10:00 a.m.

BEFORE :

MR. JOHN D. ALBERS and MR. STEPHEN YODER,
Administrative Law Judges

L.A. COURT REPORTERS, by Kari Wiedenhaupt, CSR,
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I N D E X

		Re	Re	By
WITNESSES:	Direct	Cross	Direct	Cross Examiner
STUART KAISER				
	171		177	
GREG ROCKROHR				
	187		189	268
			212	
			220	
			231	
			240	
			264	
LEON CORZINE				
	272		273	295

1	E X H I B I T S		
	NUMBER	MARKED FOR ID	IN EVIDENCE
2	ACPO Kaiser Exhibit		
3	No. A with Attachments 1-4		
4		175	183
5	Thrift/Thompson Exhibit 1.0, 1.1, and Thrift/Thompson/Edgar County Intervenors Exhibit Nos. 2.0, 2.1 and 2.2		
6			186
7	Staff Exhibit		
8	No. 1.0 R with Attachments A-N		
9			271
10	Corzine Deposition Exhibit		
11	No. 1.0		
12			297
13	ATXI Exhibit		
14	Nos. 8.0 and 8.1		
15			303
16	Nos. 9.0 Second Revised, 9.1, 9.2 Revised, 9.3, 9.4 - 9.6 Revised and 9.7		
17			304
18	Nos. 6.0, 14.0 and 14.1		
19			305
20	Nos. 17.0 and 17.1		
21			305
22	ATXI Cross Exhibit		
	No. 1	178	183
	MISO Cross Exhibit		
	No. 1	226	
	No. 2	228	
	Staff-MISO Cross Exhibit		
	No. 1	300	302

1 JUDGE ALBERS: By the authority vested in me by
2 the Illinois Commerce Commission, I now call Docket
3 No. 12-0598. This docket was initiated by Ameren
4 Transmission Company of Illinois, and concerns a
5 petition for a certificate of public convenience and
6 necessity pursuant to Section 8-406.1 of the Public
7 Utilities Act.

8 Rather than having appearances entered
9 individually today, pursuant to our e-mail we sent
10 last week to all the parties, please remember to send
11 your appearance electronically to that court reporter
12 through the e-mail address we included.

13 And also, along the same lines,
14 though, whenever you do speak today, please be sure
15 to identify yourselves for the benefit of the court
16 reporter. Just state your name and what party you
17 are representing.

18 I think we have got most of the
19 exhibit lists that had already been handed in that
20 are available today, but if you have got another one
21 and haven't given that to us yet, please drop it off
22 sometime this morning.

1 One other preliminary matter, I
2 think -- it's our understanding that the only
3 witness -- I'm sorry -- the only person that has
4 questions for MISO's witness Webb was myself.

5 Is the MISO attorney available?

6 MS. BOJKO: Yes, I am here.

7 JUDGE ALBERS: Right there. Okay. Thank you.
8 Good morning.

9 I think if no one has any objections
10 and given the brief nature of my questions, I
11 don't -- we don't mind if he just wants to appear by
12 phone.

13 MS. BOJKO: Okay.

14 JUDGE ALBERS: Does anybody object to that?

15 (No response.)

16 JUDGE ALBERS: Okay. What day is he on the
17 list?

18 MS. BOJKO: He was removed from the schedule.
19 Tuesday was the original day.

20 JUDGE ALBERS: Okay. I mean, we can still do
21 it Tuesday, if that works for her schedule.

22 MS. BOJKO: Yes.

1 JUDGE ALBERS: That's fine. Okay. We will try
2 to do that that first hour tomorrow when the phone
3 bridge is available.

4 MS. BOJKO: Okay. Thank you, your Honor.

5 JUDGE ALBERS: Also, the one other preliminary
6 matter I had was the May 10th Ameren Transmission
7 Company's motion for leave to file Second Revised
8 Rebuttal Exhibit Instantner. Any objection to that?

9 (No response.)

10 JUDGE ALBERS: Hearing none, that is granted.
11 Sorry. Did someone say something?

12 All right. I think that discussion we
13 hear is our tech people working on the video feed.
14 Since there is no objection to the Ameren's May 10th
15 motion, it is granted.

16 Does anybody else have any preliminary
17 matters they would like to raise at this time?

18 MR. STURTEVANT: Good morning, your Honor,
19 Albert Sturtevant, on behalf of ATXI. I know there
20 was a number of motions related to the stipulations.
21 I know some of the counsel for parties involved in
22 those stipulations were interested as to when those

1 would be discussed or raised. I don't know if you
2 have a preference. There was some discussion that
3 maybe I think some of the people were going to be
4 available tomorrow morning, and we would take that up
5 first thing in the morning.

6 JUDGE ALBERS: That's fine. We will make a
7 note of that.

8 All right. Any other preliminary
9 matters?

10 (No response.)

11 JUDGE ALBERS: Okay. Hearing none, we will go
12 to our witness list then. Those that are testifying
13 today, as we understand it, are Kaiser, Rockrohr and
14 Corzine. So if those three are in the room, I can go
15 ahead and swear you all in at the same time. So if
16 you would like to stand up and raise your right hand.

17 (Whereupon, the witness was duly
18 sworn.)

19 JUDGE ALBERS: Thank you, gentlemen.

20 Counsel for Adams County?

21 MR. KALB: Yes, your Honor. Your Honor, we
22 call Mr. Kaiser.

1 JUDGE ALBERS: Would you identify yourself?

2 MR. KALB: Brian Kalb on behalf of Adams County
3 Property Owners and Tenant Farmers calls Stuart
4 Kaiser.

5 JUDGE ALBERS: Please make sure your
6 microphones are on. It's that little button on the
7 front of your microphone. It should be green.

8 STUART KAISER,
9 having been first duly sworn, was examined and
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. KALB:

13 Q. Thank you. Sir, can you state your name
14 for the record?

15 A. Stuart Kaiser.

16 Q. Mr. Kaiser, have you prepared some direct
17 testimony in these proceedings?

18 A. Yes.

19 Q. Are you also a member of the Adams County
20 Property Owners and Tenant Farmers?

21 A. Yes.

22 Q. I have handed you what's been shown to be

1 your direct testimony; is that right?

2 A. Yes.

3 Q. And that was the direct testimony prepared
4 by you in connection to this proceeding, correct?

5 A. Yes.

6 Q. And that direct testimony was filed with
7 the Commission on March 28th, 2013, correct?

8 A. Yes.

9 Q. Also, with your direct testimony is
10 Exhibit 1. Do you see Exhibit 1 to your direct
11 testimony?

12 A. Yes.

13 Q. Is Exhibit 1 an aerial photograph of your
14 farm in relation to the alternate route proposed by
15 ATXI?

16 A. Yes.

17 Q. And do you see Exhibit 2 to your direct
18 testimony?

19 A. Yes.

20 Q. Is Exhibit 2 a depiction of ATXI's primary
21 route as it relates to your farm?

22 A. Yes.

1 Q. Do you see an Exhibit 3?

2 A. Yes.

3 Q. Does Exhibit 3 depict both the alternate
4 and the primary route proposed by ATXI in relation to
5 your property?

6 A. Yes.

7 Q. And finally, attached to your direct
8 testimony is Exhibit 4. Do you see an Exhibit 4?

9 A. Yes.

10 Q. Is Exhibit 4 a soil study of the soil of
11 your farm?

12 A. Yes.

13 Q. Are the -- is the direct testimony and all
14 exhibits attached thereto true and accurate?

15 A. Yes.

16 Q. Do you have any changes to be made to those
17 exhibits?

18 A. No.

19 Q. Any changes to be made to your direct
20 testimony?

21 A. No.

22 MR. KALB: Your Honor, I move to admit the

1 Direct Testimony of Stuart Kaiser filed on
2 March 28th, 2013, and Exhibits 1, 2 and 3 and 4
3 attached thereto into evidence and turn him over for
4 cross-examination.

5 JUDGE ALBERS: Mr. Kalb, just from a -- for
6 housekeeping purposes, do you have a separate label
7 for the testimony itself?

8 MR. KALB: Yeah, for the testimony our office
9 filed the direct testimony without a label on it.

10 JUDGE ALBERS: Okay.

11 MR. KALB: And so I was just identifying the
12 direct testimony by name and the date it was filed,
13 but I can mark the exhibit to be clear.

14 JUDGE ALBERS: Yeah. Why don't we just give it
15 some type of designation.

16 MR. KALB: I could call it ACPO Kaiser
17 Exhibit 1.

18 JUDGE ALBERS: That's fine.

19 MR. KALB: And I could call it Exhibit A since
20 the exhibits are --

21 JUDGE ALBERS: Yeah. That's better.

22

1 (Whereupon, ACPO Kaiser Exhibit
2 No. A with Attachments 1-4 were
3 marked for identification.)

4 MR. KALB: Yeah. For the record, I have marked
5 it Kaiser ACPO Exhibit A, and then the exhibits are
6 -- to it are 1, 2, 3 and 4.

7 JUDGE ALBERS: All right. Thank you. And I
8 think as far as your other witnesses then, if you
9 want to -- whenever you want to offer that.

10 MR. KALB: We have one other witness who will
11 be testifying on Friday. So we will do the same.

12 JUDGE ALBERS: Okay. And then as far as the
13 affidavits then, have you already given us
14 affidavits?

15 MR. KALB: We are preparing them today.

16 JUDGE ALBERS: Okay.

17 MR. KALB: The agreement was reached. We are
18 preparing affidavits, and they will be filed --
19 submitted this week.

20 JUDGE ALBERS: That's fine. Just make sure
21 they reference an alphabetical label for those
22 exhibits as well.

1 MR. KALB: Okay.

2 JUDGE ALBERS: Any questions then for Mr.
3 Kaiser?

4 MR. STURTEVANT: Yes, your Honor. And we are
5 going to endeavor to -- with your indulgence to use a
6 visual display here. I think it may facilitate the
7 questions.

8 JUDGE ALBERS: Okay.

9 MR. MURPHY: Judge Albers, while they are
10 setting up, this is Joe Murphy. I was late to the
11 bridge because I couldn't find it. Has there been a
12 time or will there be a time to offer exhibits for
13 witnesses who are not in the room today?

14 JUDGE ALBERS: Well, I was hoping anybody who
15 wanted to do that would have raised that when I asked
16 for preliminary matters, but if -- I know we only
17 have got the phone bridge until 11:00. So maybe
18 after -- I think we just have a few minutes for Mr.
19 Kaiser. So maybe we can try to take care of that
20 after Mr. Kaiser.

21 MR. MURPHY: I apologize, and I appreciate
22 that.

1 JUDGE ALBERS: That's all right.

2 CROSS-EXAMINATION

3 BY MR. STURTEVANT:

4 Q. All right. I think that ought to work.

5 Good morning, Mr. Kaiser.

6 A. Good morning.

7 Q. My name is Albert Sturtevant, and I am an
8 attorney for ATXI. Thank you for taking the time to
9 come to Springfield today.

10 I have a few questions here, and what
11 I am hoping to do is just to clarify the relationship
12 of ATXI's recommended rebuttal route as it relates to
13 your property, and I am hoping that this will help
14 facilitate that.

15 Are you familiar with what is referred
16 to as ATXI's rebuttal recommended route, which is the
17 hybrid route that starts out on the primary and then
18 at the intersection, that X there, the primary and
19 alternate continues east on the -- ATXI's proposed
20 alternate route?

21 A. Yes.

22 Q. Okay. And so you would agree then that

1 the -- ATXI's rebuttal recommended or hybrid route
2 follows the primary route along Highway 172 there
3 southward and then cuts east along the alternate
4 route at their point of intersection there, correct?

5 A. Yes.

6 Q. And then I have what is -- I will mark as
7 ATXI Cross Exhibit 1.

8 (Whereupon, ATXI Cross Exhibit
9 No. 1 was marked for
10 identification.)

11 MR. STURTEVANT: Can I approach the witness,
12 your Honor?

13 JUDGE ALBERS: Yes.

14 BY MR. STURTEVANT:

15 Q. And Mr. Kaiser, as you look through what I
16 have just marked as ATXI Cross Exhibit 1, that is
17 your response and a couple of attached pages to Data
18 Request ATXI-ACPO 1.10, correct?

19 A. Yes.

20 Q. And if you turn to the page marked F54,
21 which I believe is the last page in the set of four
22 pages there.

1 A. Yes.

2 Q. And that shows the same route map as -- as
3 depicted on the screen, correct?

4 A. Yes.

5 Q. And that's -- the depiction on the screen
6 is the same as the page F54 in your data response
7 there; is that correct?

8 A. Yes.

9 Q. And I'll try with the laser pointer here.
10 Your -- there are three of your parcels here,
11 correct? There is this triangular one here to the
12 west of the highway, triangular one here to the east
13 of the highway, and then this parcel here with the
14 buildings down to the south; is that correct?

15 A. Yes, plus --

16 Q. Plus there is one over here, correct?

17 A. Yes.

18 Q. Sorry. I should have given you the laser
19 point.

20 And I just really want to talk about
21 the three parcels here. This one, the triangular
22 ones to the east and west of Highway 172 and the ones

1 with the buildings down here -- and just to be clear,
2 all three of those parcels border or face on
3 Interstate 172, correct?

4 A. Yes.

5 Q. And then, again, just so we are clear,
6 ATXI's rebuttal recommended route comes down Highway
7 172 here and turns east along the alternate there; is
8 that correct?

9 A. Yes.

10 Q. So it runs a short distance along the
11 eastern portion of your property here and then turns
12 and runs along the northern edge of your property
13 there, correct?

14 A. Yes.

15 Q. And the parcel down here with the
16 structures, as you indicate in your testimony that
17 those structures are -- include residential homes,
18 grain bins, grain legs, barns, those type of
19 structures; is that correct?

20 A. Yes, and hog sheds.

21 Q. Okay. And you would agree that the
22 structures on your property down here would be

1 approximately a half mile south of the ATXI rebuttal
2 recommended or hybrid route?

3 A. Yes.

4 Q. Okay. Now, you mention in your testimony
5 that the Rural Electrical Association has a power
6 line that crosses your property. I was wondering if
7 you could indicate where that was, and I can give you
8 the laser pointer if that would assist.

9 A. Well, it's down -- it's right along the
10 road. Yes, correct.

11 Q. So just so the record is clear, he is
12 indicating that the Rural Electrical Association
13 power line runs along the road that runs east-west
14 across Highway 172 at the south -- southern border of
15 his properties.

16 Now, Mr. Kaiser, you state in your
17 testimony on page 2 that the -- go ahead and pull it
18 up there. On page 2 of your testimony kind of
19 towards the middle there you state, "The placement of
20 the transmission line on the property will diminish
21 the value of the property." Did I read that
22 correctly?

1 A. Yes.

2 Q. Okay. You did not perform any study or
3 analysis of the amount by which the project will
4 diminish the value of your property; is that correct?

5 A. No.

6 Q. Okay. And then further on page 2 you
7 testify about the expected financial loss; down
8 there, the question at the bottom, correct?

9 A. Yes.

10 Q. And you did not perform any study or
11 quantification of the amount of these financial
12 losses; is that correct?

13 A. No.

14 MR. STURTEVANT: I have no further questions.
15 Thank you, Mr. Kaiser.

16 JUDGE ALBERS: Does anyone else have questions
17 for Mr. Kaiser?

18 (No response.)

19 JUDGE ALBERS: All right. Mr. Kalb, do you
20 have any redirect?

21 MR. KALB: No further questions, your Honor.

22 JUDGE ALBERS: Is there any objection to the

1 admission of Mr. Kaiser's testimony?

2 MR. STURTEVANT: No, your Honor.

3 JUDGE ALBERS: Hearing none, then ACPO Kaiser
4 Exhibit A with Attachments 1 through 4 is admitted.

5 (Whereupon, ACPO Kaiser Exhibit
6 No. A with Attachments 1-4 were
7 admitted into evidence.)

8 JUDGE ALBERS: And did you want to move for the
9 admission of the cross exhibit?

10 MR. STURTEVANT: Yes, your Honor. We would
11 move for the admission of ATXI Cross Exhibit 1.

12 JUDGE ALBERS: Any objection to that?

13 MR. KALB: No objection.

14 JUDGE ALBERS: It's admitted.

15 (Whereupon, ATXI Cross Exhibit
16 No. 1 was admitted into
17 evidence.)

18 JUDGE ALBERS: All right. We will go ahead and
19 take care of Mr. Murphy's exhibits. Mr. Murphy, are
20 you still there?

21 MR. MURPHY: Yes, I am.

22 JUDGE ALBERS: All right.

1 MR. MURPHY: Thank you, your Honor. I am here
2 to introduce and move into the admission the exhibits
3 for intervenors Paul Thrift and John Thompson and the
4 Edgar County intervenors. In relation to that, on
5 Friday we filed two affidavits. One was identified
6 as Thrift/Thompson Exhibit 1.1, and it was an
7 affidavit of Paul Thrift supporting direct testimony
8 that Mr. Thrift filed on March 29th. That testimony
9 was actually attached to the affidavit for the sole
10 purpose of adding an exhibit number Thrift/Thompson
11 1.0, and the testimony consisted of four pages of
12 questions and answers ending on line 76 and is
13 supported by the affidavit that was filed on Friday
14 as Thrift/Thompson Exhibit 1.1.

15 In addition to that, on Friday we
16 filed an exhibit titled Thrift/Thompson/Edgar County
17 intervenors Exhibit 2.2. It is an affidavit of Paul
18 Mixon that supports the rebuttal testimony that
19 Mr. Mixon filed on March 29th, and that that
20 testimony consisted of six pages of questions and
21 answers ending at line 111, and it is titled
22 Thrift/Thompson/Edgar County Intervenors Exhibit 2.0.

1 It also had attached to it Thrift/Thompson/Edgar
2 County Intervenors Exhibit 2.1 that was a simple
3 attachment to the testimony and is supported by the
4 affidavit we filed Friday.

5 And with that, I would move for the
6 admission of Thrift/Thompson Exhibit 1.0,
7 Thrift/Thompson Exhibit 1.1, and then
8 Thrift/Thompson/Edgar County Intervenors
9 Exhibits 2.0, 2.1 and 2.2.

10 JUDGE ALBERS: Did you send us an exhibit list,
11 Mr. Murphy?

12 MR. MURPHY: We did on Friday. We -- there was
13 a notice of filing that included an exhibit list with
14 all of those lists.

15 JUDGE ALBERS: Did it go to the e-Docket or to
16 the service list?

17 MR. MURPHY: I believe it went to both.

18 JUDGE ALBERS: Okay. Oh, you have got it.
19 Okay, great.

20 Any objection to any of those
21 exhibits?

22 (No response.)

1 JUDGE ALBERS: Hearing none, then they are
2 admitted.

3 (Whereupon, Thrift/Thompson
4 Exhibit 1.0, 1.1, and
5 Thrift/Thompson/Edgar County
6 Intervenors Exhibits 2.0, 2.1
7 and 2.2 were admitted into
8 evidence.)

9 MR. MURPHY: Thank you, your Honor.

10 JUDGE ALBERS: Would anyone else have any
11 exhibits they would like to admit?

12 MR. McNAMARA: Judge Albers, I have -- Ed
13 McNamara, I have a question. It's my understanding
14 that certain of the parties are filing certifications
15 for their testimony to be admitted. Under the terms
16 of the Civil Practice Act, we do not have to have a
17 notary witness the signature.

18 JUDGE ALBERS: Yes.

19 MR. McNAMARA: Now, will that be all right, or
20 do you want an affidavit with the notary on it?

21 JUDGE ALBERS: We had been asked that question
22 earlier, and we said the certification was fine.

1 MR. McNAMARA: Thank you.

2 JUDGE ALBERS: Any others?

3 (No response.)

4 JUDGE ALBERS: All right. Moving to our next
5 witness on the list, Mr. Rockrohr. Mr. Harvey are
6 you taking care of --

7 MR. HARVEY: Mr. Olivero and I will do that if
8 we could prevail on somebody's good nature to let me
9 sit down.

10 JUDGE ALBERS: Mr. Rockrohr, you were
11 previously sworn?

12 THE WITNESS: Yes.

13 JUDGE ALBERS: Okay. Mr. Harvey?

14 GREG ROCKROHR,
15 having been first duly sworn, was examined and
16 testified as follows:

17 DIRECT EXAMINATION

18 BY MR. HARVEY:

19 Q. Mr. Rockrohr, do you have before you a
20 document that has been marked for identification as
21 Staff Exhibit 1.0 R?

22 A. Yes.

1 Q. And R is for revised?

2 A. Yes.

3 Q. And is that document dated April 10, 2013?

4 A. Yes.

5 Q. And does it consist of 55 pages of text in
6 question and answer format?

7 A. Yes.

8 Q. Was Staff Exhibit 1.0 R prepared by you or
9 prepared at your direction?

10 A. Yes.

11 Q. If I were to ask you each and every one of
12 the questions contained in Staff Exhibit 1.0 R, would
13 your true and correct answers be the same as are set
14 forth in the document itself?

15 A. Yes.

16 MR. HARVEY: That being the case, your Honor, I
17 request admission of Staff Exhibit 1.0 R and tender
18 the witness for cross-examination. I note for the
19 record, your Honor, we have -- Staff has yet to
20 submit a list of exhibits; primarily, because we are
21 still working with counsel to deal with stipulations
22 and data requests. So you can expect that shortly.

1 JUDGE ALBERS: All right. Mr. Rockrohr's
2 testimony has Attachments A through N?

3 MR. HARVEY: It does have Attachments A through
4 N.

5 JUDGE ALBERS: Any questions then for Mr.
6 Rockrohr at this time? Who would like to go first?

7 CROSS-EXAMINATION

8 BY MS. HIGHLANDER:

9 Q. I guess I will begin. My name is Amanda
10 Highlander. I represent Adams County Property
11 Owners, and so I do have a few questions for you this
12 morning.

13 Mr. Rockrohr, you are presently a
14 senior electrical engineer at the Illinois Commerce
15 Commission; is that correct?

16 A. Yes.

17 Q. And what education and work experience
18 qualifies you for this position that you hold?

19 A. Well, I hold an electrical engineering
20 degree from Valparaiso University, and I worked as an
21 electrical engineer at Northern Indiana Public
22 Service Company, as well as Pacific Gas and Electric

1 Company in various capacities for 21 years.

2 Q. Twenty-one years. And how long have you
3 been a senior electrical engineer at the ICC?

4 A. Since 2001.

5 Q. And how would you describe your duties as a
6 senior electrical engineer?

7 A. Varied. They largely consist of reviewing
8 and providing recommendations or reports to senior
9 management or the Commission itself regarding
10 electric utility practices.

11 Q. So can you tell me how exactly you become
12 involved with a project such as this? When you say
13 that you report to the Commission and to others, what
14 exactly is that procedure?

15 A. Our -- the engineering -- energy
16 engineering group monitors every filing that comes
17 into the Commission and makes a determination after
18 reviewing the filing whether an engineering witness
19 would be involved in that particular proceeding.
20 Typically, any transmission certificate case involves
21 an engineering witness.

22 Q. And so for the Illinois Rivers Project,

1 that is you?

2 A. Correct.

3 Q. Are there any other --

4 MR. BRADY: Mr. Albers and Yoder?

5 JUDGE ALBERS: Yes.

6 MR. BRADY: This is Sean Brady with Wind on the
7 Wires up in the Chicago office. We are having a hard
8 time hearing Mr. Rockrohr. I don't know if his mike
9 is off or if he is just far away from the microphone.

10 THE WITNESS: I'm sorry. I accidentally hit
11 the mike button with my binder. That's better.

12 MR. BRADY: We can hear him now. Sorry for
13 interrupting.

14 BY MS. HIGHLANDER:

15 Q. And so are you the sole engineer from the
16 ICC that is assigned to this project?

17 A. Yes.

18 Q. You are, okay. So could you take me
19 through your responsibilities for this project alone?
20 So whenever it sounds like it was filed your office
21 determined that an engineer needed to be assigned to
22 it and so you were the engineer that was then

1 assigned?

2 A. Sure. The statute governing the filing or
3 specifically what -- the petition that the -- in this
4 case ATXI -- ATXI filed under dictates the process to
5 a large extent that we use to review the filing.
6 Typically, we will look -- we being whatever
7 engineering staff member is assigned will review the
8 company's reason for filing, the need for the
9 project, whether in our opinion there is alternatives
10 that should have been considered that were not, as
11 well as the requirement, as we understand it, for a
12 least cost solution to whatever problem is being
13 resolved.

14 Q. So when you begin this investigation, can
15 you describe for me what steps you actually do take
16 to answer those questions?

17 A. Initially, we will look at the -- again,
18 the petition, and we generally send quite a few data
19 requests to the company in order to determine exactly
20 why the company believes the project is necessary.
21 Separate from whether the project is necessary or not
22 necessary in our opinion, we look at the route that

1 the company is proposing to follow. Should the
2 Commission determine that the -- a project should be
3 built, we also evaluate our agreement or disagreement
4 with the routes that the company proposes to utilize.

5 So within the process of evaluating
6 the need for the project, we often review the results
7 of power flow or load flow studies typically
8 conducted by the petitioner or its consultant.

9 Q. And your conclusions regarding the need for
10 this project, would you state them?

11 A. My understanding of the petition is that
12 the project is necessary for market reasons,
13 specifically as it has to do with the development of
14 specific -- specifically mentioned was the
15 development of wind production and the transmittal of
16 that wind both in Illinois as well as to the east of
17 Illinois.

18 Q. Thank you. You mentioned that part of your
19 responsibilities with regard to the project include
20 evaluating these routes, and whether the -- there
21 will be alternatives that would perhaps be least cost
22 means effective. What standards do you use in that

1 analysis?

2 A. Well, the -- as far as whether a route
3 would be least cost or a project would be least cost,
4 we look at the construction and ongoing costs of the
5 project, as well as the impacts on the properties
6 that are aligned with the crossing.

7 Q. So those three factors specifically;
8 construction, ongoing costs and then impacts on
9 property, on each individual property?

10 A. That's what -- that's all I am thinking of
11 right now.

12 Q. Okay. Fair enough.

13 In your revised direct testimony,
14 you -- your position was that all things being equal,
15 the shortest line will be the least cost; is that
16 correct?

17 A. Sure, yes.

18 Q. Okay. Can you describe why that is,
19 specifically with regard to cost to build,
20 maintenance and dead-end structures?

21 A. Well, frankly, it's the number of assets
22 involved is reduced, so there is fewer things to

1 maintain, fewer things to build, fewer properties
2 impacted.

3 Q. Okay. And in your revised direct
4 testimony, you indicated that Adams County Property
5 Owners' first alternative route would be your
6 recommendation as the least cost means. Is that
7 still your opinion?

8 A. Yes, it is.

9 Q. And is that because it would be the
10 shortest?

11 A. Yes, it's the shortest and straightest.

12 Q. And straightest?

13 A. Compared to the other routes. And
14 basically, every time you put a turn in a large
15 transmission line, it -- there is some additional
16 costs involved.

17 Q. And what, if any, impact does the fact that
18 there is already a transmission right-of-way with 138
19 kilovolt lines already on that route? What impact
20 does that have on your evaluation?

21 A. It makes a difference whether the proposal
22 is to place both lines on common structures or -- or

1 on non -- or on separate structures on separate
2 rights-of-way. In my opinion, the cost and the --
3 well, the reason for that is a good route is because
4 it's straight and short. Having the 138 kV line
5 adjacent to it kind of makes sense, because the
6 Commission had the least cost requirement in place
7 when that 138 kV line was constructed as well. So
8 it's -- shouldn't be surprising that another
9 transmission line following a similar route would
10 also be least cost.

11 Q. In your estimation, would the fact that
12 there is already a right-of-way there make the
13 construction easier, cheaper?

14 A. I don't think having another right-of-way
15 there would make construction either easier or
16 cheaper necessarily. The fact that it would be
17 cheaper has to do with the fact that it's straighter
18 and shorter.

19 Q. Okay. Not the fact that there has already
20 been construction on that and the easements have
21 already been obtained?

22 A. Well, the easement would not have been

1 obtained, because the 138 kV line would have been on
2 its own easement, which would be separate from this
3 easement.

4 Q. Okay. So you don't think that given that
5 there already is an existing easement, that wouldn't
6 make it potentially cheaper or easier, for lack of
7 better terms, to procure an easement for the
8 presented line?

9 MR. HARVEY: I'm sorry. I'm going to have to
10 object. I think there is a form of the question
11 there. I certainly didn't understand it. So I'm not
12 certain the witness did.

13 BY MS. HIGHLANDER:

14 Q. I will rephrase.

15 In your estimation, do you believe
16 that the fact that there is already an existing
17 easement or right-of-way will give way to an easier
18 or cheaper ability to obtain a further easement for
19 the transmission lines that we are considering today?

20 MR. HARVEY: Again, I'm not sure he can answer
21 that just because of the compound nature of the
22 question, if that could be broken down.

1 JUDGE ALBERS: Mr. Rockrohr, are you able to
2 answer the question? Do you understand it?

3 BY THE WITNESS:

4 A. I believe I understand the question.

5 And my answer would be, I don't know.

6 BY MS. HIGHLANDER:

7 Q. Okay. And that's fair. Thank you.

8 Are you aware of an existing partially
9 occupied/unoccupied corridor held by Ameren in Adams
10 County that is along ACPO's first proposed route?

11 A. Yes.

12 Q. And can you tell me if that existence
13 influences your recommendation in any way?

14 A. I would have to say no.

15 Q. Okay.

16 JUDGE ALBERS: No, you can't tell her, or no,
17 it doesn't influence your recommendation?

18 BY THE WITNESS:

19 A. No, it didn't influence my recommendation.

20 BY MS. HIGHLANDER:

21 Q. Thank you. Now, in keeping with the same
22 line, the idea that there would be parallel

1 non-overlapping rights-of-way for this new
2 transmission line, what is your opinion with regard
3 to reliability should those two lines be parallel and
4 non-overlapping?

5 A. I -- can you --

6 Q. Sure. In your data request you
7 mentioned -- and please correct me if I'm wrong --
8 that you didn't have any concerns about reliability
9 should the new line be constructed parallel to, but
10 not overlapping with the already existing 138
11 kilovolt line.

12 MR. HARVEY: Could we have that data request
13 identified, please?

14 MS. HIGHLANDER: Absolutely.

15 MR. HARVEY: And by data request, I assume data
16 request response submitted by Staff based on data
17 requests promulgated by Adams County.

18 MS. HIGHLANDER: I believe that they were
19 actually data requests that were promulgated by ATXI.

20 MR. HARVEY: Okay.

21 BY MS. HIGHLANDER:

22 Q. It would be 1.10, and then a follow-up

1 question would be 1.11.

2 And in that data request -- the
3 response to the data request, rather, Mr. Rockrohr,
4 you say that you don't have electric reliability
5 concerns arising from the location of two
6 transmission lines on parallel non-overlapping
7 rights-of-way?

8 A. That's correct.

9 Q. Okay. Can you give me your rationale for
10 that opinion?

11 A. Yes. The two transmission lines on
12 non-overlapping rights-of-way have the same amount of
13 space or more between them as either line would have
14 between any object. The chances of any catastrophic
15 event affecting both lines are arguably slightly
16 greater in a -- the event of a jet line crash or a
17 tornado, but the odds of such a thing happening at
18 this place in time in my opinion is fairly small.

19 Q. And as far as maintenance, in your response
20 to ATXI data request marked 1.11, you do describe
21 that you do not have any maintenance concerns arising
22 from the maintenance of these two transmission lines

1 on parallel non-overlapping rights-of-way.

2 Can you describe why that is your
3 conclusion?

4 A. Well, sure. The -- again, the lines are on
5 separate rights-of-way and the rights-of-way
6 throughout the length of the line -- or excuse me.
7 The transmission line throughout its entire length
8 has to be maintained on its 150-foot right-of-way
9 regardless of what that is next to. That is part of
10 the reason that rights-of-way are obtained, to give a
11 utility the opportunity to maintain its line.

12 Q. Moving on to land impact, what, if any,
13 assessments have you made with regard to the type,
14 quality and productivity of farm soil that would or
15 could be impacted by the transmission routes?

16 A. Generally, the shorter the line, the less
17 farm land will be impacted. It's just as simple as
18 that.

19 Q. So -- but have you made any inquiries into
20 the different types of soil that could potentially --

21 A. None.

22 Q. None, okay. And with regard to farm

1 splitting, have you had any chance to research
2 issues -- such issues?

3 A. I'm sorry?

4 Q. Farm splitting. So should a transmission
5 line cut through a particular farm, have you given
6 any consideration as to what sort of impact that
7 would have for that particular farm or farmer?

8 A. Minimally. In areas where there was pivot
9 irrigation.

10 Q. I'm sorry. Where there is what?

11 A. Pivot irrigation.

12 Q. Okay. And can you tell me a little bit
13 more about what you found?

14 A. Well, in the area that I looked, there was
15 already a 138 kV line there, so that -- in my
16 opinion, pivot irrigation would have been affected
17 possibly, but it wasn't even a certainty.

18 Q. Okay. And is -- so that -- on what route
19 is that that you said that you were -- where there
20 already is a --

21 A. That segment was from Meredosia to Ipava.

22 Q. Okay. So if we were considering a route

1 from -- the hybrid route that ATXI is proposing right
2 now from Quincy to Meredosia, have you had the
3 opportunity to review whether or not the pivot
4 irrigation would be impacted there?

5 A. No, I have not.

6 MR. HARVEY: I object that it may exceed the
7 scope of his testimony, but --

8 MS. HIGHLANDER: Well, it's a factor that would
9 go into the least cost means analysis, and in that
10 regard, I believe it's relevant.

11 JUDGE ALBERS: I'll allow the witness to answer
12 the question.

13 BY THE WITNESS:

14 A. No, I have not.

15 BY MS. HIGHLANDER:

16 Q. Okay. Have you had any opportunity to
17 research what type of aerial crop chemical
18 application would be impacted, if any, by these
19 transmission lines?

20 A. No.

21 Q. Are you aware of any health hazards caused
22 by proximity of these transmission lines to humans or

1 livestock?

2 A. Only -- only my -- I'm aware of that there
3 have been studies done. I'm not aware of any
4 conclusive results.

5 Q. So that would not be a factor that you
6 would consider?

7 A. Correct.

8 Q. And are you aware when we would think about
9 the hybrid route versus ACPO's first alternative
10 route, how many acres of farmland comparatively will
11 be impacted?

12 A. No, I'm not.

13 Q. How about the number of landowners for
14 those two different routes?

15 A. Well, comparatively the number of acres
16 would be less with the shorter route. In terms of
17 landowners, I did not determine how much land each
18 landowner owned.

19 Q. And I know that -- well, from your direct
20 testimony you testified that you went with ATXI on a
21 helicopter trip and also used Google and Bing maps to
22 make assessments as to the proximity of homes and

1 other structures?

2 A. That's correct.

3 Q. Do you have a comparison of the homes and
4 structures that you were able to find for each route?

5 A. No, nothing documented.

6 Q. Nothing documented. And were you able to
7 ascertain whether any structures that you found were
8 indeed occupied?

9 A. Again, no.

10 Q. Did you make any assessment as to
11 environmental impacts of the two different routes?

12 A. When you say the two different routes, are
13 you --

14 Q. The hybrid route and then ACPO's first
15 alternative route.

16 A. Well, could you explain what you mean by
17 environmental?

18 Q. Well, any sort of negative impact to the
19 land animal population that would potentially be
20 destructive.

21 A. Frankly, my primary concern was proximity
22 to residents.

1 Q. Okay.

2 A. And that was the focus.

3 Q. Thank you. Were there any historical
4 resources that came to your attention?

5 MR. HARVEY: Well, by historical, are we
6 talking designated historical landmarks, or is there
7 some specific criteria that we are using to determine
8 what historical means?

9 BY MS. HIGHLANDER:

10 Q. At this time, no. I am merely drawing from
11 factors that have been considered by the counsel in
12 other hearings such as this. So it's really just a
13 matter of have -- has any historical monument or
14 designation by the state or local counties come up in
15 your review of these routes that would be impacted?

16 A. The -- we verified that the utilities have
17 been in contact with the Illinois Historical Agency,
18 but in this docket, whether the line would cross near
19 or over possible historic -- a site that has historic
20 artifacts, that did not dictate my recommendation.

21 Q. Thank you. In your direct and your revised
22 direct testimony, you stated that there may be

1 additional relevant facts about some of the routes
2 that you don't know about, which could result in a
3 route being more or less desirable. Do you believe
4 that if you had more time to research these different
5 routes that you would be able to assess those
6 additional factors or facts?

7 MR. HARVEY: Regrettably, that assumes a fact
8 not in evidence, your Honor.

9 MS. HIGHLANDER: I believe -- I'm sorry. I
10 assumed that his direct testimony -- his revised
11 direct testimony was in evidence.

12 JUDGE ALBERS: Yeah. I recall that testimony.
13 I'm not sure I understand your objection, Mr. Harvey.

14 MR. HARVEY: No. It's just that one of the
15 entrenched facts about this case is we don't have
16 more time, your Honor, and then that's a fact in
17 evidence.

18 MR. WHITT: The company would join the
19 objection, your Honor.

20 JUDGE ALBERS: He testified how much time -- if
21 he testified regarding the amount of time, then I
22 think he can answer a question about it.

1 MR. HARVEY: Fair enough. I will withdraw
2 that, your Honor.

3 BY MS. HIGHLANDER:

4 Q. So with regard to the amount of time that
5 you have had to research the factors that go into a
6 least cost means analysis for each of these routes,
7 how do you feel that your job would be better served
8 if you were able to have more time? Do you feel that
9 you have had enough time?

10 A. A specific -- a specific activity that we
11 perform normally would be to drive in field various
12 sections of every route segment, and in this case
13 there was not an opportunity to do that because of
14 the schedule. So I would say that would probably be
15 the primary focus for me, would have been dependence
16 on the aerial photography and those web programs that
17 you mentioned versus being able to explore the area
18 from the ground and perhaps see things that were not
19 obvious from the software.

20 Q. So, ideally, if you had all the time in the
21 world, what would you -- how much time would you
22 allot to do that, that research, to make those

1 drives?

2 A. I am afraid I can't answer that. Frankly,
3 this particular project, the length of it, would make
4 driving every segment and every possible route
5 alternative for every segment pretty lengthy. I
6 don't know exactly how long that would take.

7 Q. Are you -- could you give me an estimate?

8 MR. HARVEY: I think this is highly speculative
9 at this point, your Honor.

10 MS. HIGHLANDER: And yet -- I mean, your Honor,
11 this witness -- I mean, this is his job. This is
12 what the ICC --

13 JUDGE ALBERS: I will allow the question.

14 BY MS. HIGHLANDER:

15 Q. Thank you. If you could give me a rough
16 estimate?

17 A. Probably at least a day per segment.

18 Q. For each of the seven segments? What are
19 you using as a segment?

20 A. I believe that there is like nine segments.

21 Q. The nine segments, okay. And you weren't
22 able to conduct any of these drives?

1 A. I did not conduct any of the drives.

2 MS. HIGHLANDER: I believe that concludes my
3 questioning right now. Thank you very much.

4 JUDGE ALBERS: I think before we move on to the
5 next party that has questions for Mr. Rockrohr, we
6 need to take care of a technical situation with
7 regard to the taking -- turning off the conference
8 bridge and then logging back in. I don't fully
9 understand it myself, but I have been told it's what
10 we have to do. So why don't we take a five-minute
11 break.

12 (Whereupon, a short break was
13 taken.)

14 JUDGE ALBERS: Okay. The next party that
15 indicated that they had questions for Mr. Rockrohr
16 was the Colfax-Scott Land Preservation Group.

17 MR. McNAMARA: Judge, it's my understanding
18 that there is going to be some more exhibits other
19 than the exhibits that were attached to the
20 testimony, that this witness is going to sponsor --
21 have other exhibits. I have talked with counsel for
22 this witness. I do not have any problem with the

1 testimony so far, but I do want to reserve
2 cross-examination until I have seen the additional
3 exhibits. We have discussed it, and I think we are
4 going to be able to work it out as soon as we have
5 them finalized.

6 MR. HARVEY: Well, these -- the exhibits in
7 question are in lieu of cross-examination of the
8 witnesses other than the witness sponsored by
9 counsel's client. I fundamentally don't have an
10 objection to this, since I don't think it will
11 ultimately become a problem.

12 JUDGE ALBERS: When do you think you will have
13 those ready?

14 MR. HARVEY: We will do that then tomorrow,
15 your Honor, when I get back to my office.

16 JUDGE ALBERS: Do they affect -- or excuse me.

17 Are the areas affected by the
18 additional exhibits even of concern to your client?
19 I mean, geographically speaking, are they even in the
20 same area?

21 MR. McNAMARA: I don't know. I want to see
22 them.

1 MR. HARVEY: And, your Honor, they are -- I
2 think once we get these on file counsel will not have
3 a concern.

4 JUDGE ALBERS: Well, I'll tell you what. The
5 two of you can talk and let me know if they affect
6 the same areas that his clients are concerned with.
7 Do you understand?

8 MR. HARVEY: Yes.

9 JUDGE ALBERS: All right. We will -- we will
10 just go on to the Illinois Agricultural Association
11 for now.

12 CROSS-EXAMINATION

13 BY MS. HARMON:

14 Q. Good morning. I'm Laura Harmon. I'm with
15 the Illinois Farm Bureau. I just have a few
16 questions for you, Mr. Rockrohr.

17 How many proceedings have you
18 participated in under 406.1 in you capacity as a
19 senior engineer?

20 A. Under 406.1?

21 Q. Yes, under 406.1.

22 A. I think this is -- I am guessing this is

1 about the fifth.

2 Q. The fifth, okay. And in comparison to the
3 other projects, is this project the -- in terms of
4 the length of the route, would it be the longest?

5 A. Yes.

6 Q. Okay. How many proceedings have you
7 participated in under Section 406?

8 A. Maybe 12 to 15.

9 Q. Okay. You testified and a few minutes ago
10 you had a lengthy discussion on what you were not
11 able to do in this particular proceeding. You
12 testified on page 3 that this expedited proceeding
13 does not allow for a thorough exploration of other
14 options.

15 Can you describe for me or tell me
16 what you mean by "thorough exploration of other
17 options"?

18 A. Well, in this proceeding, the petitioner
19 provided a primary and alternate route and various
20 intervenors provided alternative routes that they
21 felt might be of interest in their specific
22 geographic area. This particular proceeding did not

1 provide -- let me start over and say that when you
2 want to connect two points with a transmission line
3 over a great distance, there is almost an infinite
4 number of possibilities starting from a straight line
5 and gradually getting longer and longer on each side
6 of that straight line.

7 This particular proceeding allowed an
8 opportunity to look at some of those. The point I
9 was trying to make is there are likely additional
10 opportunities between connecting those two points
11 that I did not look at.

12 Q. Okay. And you mentioned -- I will call it
13 field observations or field recognizance. I'm not
14 sure what your term is. And typically based upon
15 field operations, in response to that, is there a
16 series of other alternate routes that are proposed
17 based upon field observations?

18 A. Are you asking generally if --

19 Q. Yeah, in general.

20 A. Often Staff will come up with an
21 alternative route independently.

22 Q. Okay. And in this case has Staff proposed

1 any alternate routes independently?

2 A. I would say not 100 percent independent
3 from what others had provided.

4 Q. Okay. And Staff also has the ability to
5 request a utility to investigate alternative routes,
6 correct?

7 A. We can send a data request regarding
8 alternative routes. We don't have any enforcement.

9 Q. Okay.

10 A. It would be largely up to the utility's
11 discretion as to whether they would spend the
12 resources to investigate our inquiry.

13 Q. Okay. But in general, Staff -- based upon
14 either -- your field observation, Staff does have the
15 ability to propose their own alternate route?

16 A. Yes.

17 Q. Okay. On pages 18 and 19 of your
18 testimony -- I'm sorry -- on pages 16 through 18. I
19 just have a few questions; actually, just a
20 clarification where you are talking about the 138 kV
21 proposed -- or 138 kV line, which was not included in
22 this particular proceeding, and you are talking about

1 the connections to the substations, and I know you
2 answered a few data requests in response to your
3 testimony in particular with respect to this issue.

4 I have a question, just a
5 clarification. You said that in general, Ameren or
6 ATXI would include both connections. Do you mean
7 that in other cases Ameren would have included both
8 the 138 kV line and the 345 kV line?

9 A. Would you -- could I trouble you to have me
10 read what I said?

11 Q. Yes. In particular, in -- it's on your
12 response to ATXI 2.18. You said, "And since in most
13 cases ATXI proposes that two transmission line
14 segments connect to each of its proposed substation
15 sites, any change in the location of the substation
16 would require both segments that connect to the
17 substation to have routes other than the routes that
18 ATXI is proposing."

19 So my question is, in general by this
20 statement, do you mean that ATXI would include both
21 the 345 kV route, as well as the other line in its
22 petition?

1 A. The statement that I made is trying to
2 indicate or make clear that the location of the
3 substation affects not only the 345 kV line, but also
4 the 138 kV lines that would come later that were not
5 included in this petition.

6 Q. And in general, are those lines, those 138
7 kV lines, are they generally included in the same
8 petition?

9 A. You know, I couldn't say that they were
10 generally included or generally excluded. It's not a
11 real common situation where one company proposes part
12 of a project and then another company is going to be
13 responsible for the other piece. So in this case,
14 the 345 is what ATXI has petitioned for.

15 Q. Correct. So in general, both pieces would
16 be included in the same -- in the same petition?

17 A. If the same company was going to build
18 everything, yes.

19 Q. Okay. I want to go to page 42 of your
20 testimony where you are discussing the
21 Corzine/Assumption Group alternate route on Highway
22 51.

1 You stated that you agree that this
2 would be a good alternative. However, there were
3 some existing residences along part of Highway 51,
4 correct?

5 A. Yes.

6 Q. And again, you testified that there wasn't
7 adequate time in this expedited proceeding to explore
8 modifications to this particular suggestion. What --
9 what modifications or what exploration would you
10 suggest in this particular case with respect to this
11 segment of the route?

12 A. A little further north is where the --
13 basically Highway 51 has been improved. It appears
14 to basically be a by-pass of various communities.
15 The alternative, as I understood it, as proposed by
16 the Assumption Group connected with I-51 well south
17 of that widened highway, and therefore, conflicted
18 with several residences. Had that route instead
19 connected with I-51 further north, it's possible that
20 it would angle to the northeast and get to the Mt.
21 Zion -- proposed Mt. Zion substation site without
22 impacting those same residences.

1 Q. Okay. And it's possible on a particular
2 segment where the residence may -- residences may be
3 impacted, it is possible to route around them either
4 by using taller structures and requiring a smaller
5 right-of-way; is that correct?

6 A. Well, I don't think I agree with that
7 exactly. The width of the right-of-way that is
8 necessary can be reduced with structures that are
9 closer together. In terms of routing around -- as I
10 understood your question, in terms of routing around
11 residences, I think those are two separate issues.

12 Q. Okay.

13 A. The width of the right-of-way versus
14 changing the route to by-pass residences.

15 Q. Is it possible where the residences may be
16 impacted on a particular segment of a route, is it
17 possible to construct the line along that proposed
18 route and avoid impacting those residences?

19 A. Possibly. The definition of whether the
20 residence is impacted or not is going to be in the
21 eyes of the resident.

22 Q. Okay. But in terms of the minimum setback

1 requirements?

2 A. It can be reduced by -- somewhat by closer
3 together structures.

4 MS. HARMON: Okay. I have nothing further.

5 JUDGE ALBERS: Thank you. We have Moultrie
6 County property owners. Mr. Robertson, is that true?

7 MR. ROBERTSON: Yeah. I would like to have the
8 same discussion Mr. McNamara is going to have with
9 Staff, if I may.

10 JUDGE ALBERS: All right. MISO?

11 CROSS-EXAMINATION

12 BY MS. BOJKO:

13 Q. Thank you, your Honor.

14 Mr. Rockrohr, I am Kim Bojko on behalf
15 of Midcontinent Independent System Operator. I want
16 to go back to the inception of the project. You talk
17 a lot about the routing details here this morning,
18 and I want to go back to the project itself.

19 And you understand that the process
20 that MISO undergoes to include a multi-year
21 collaboration between MISO, transmission owners and
22 other stakeholders, which then culminates into what's

1 called the MISO Transmission Expansion Plan or MTEP.

2 Is that your understanding?

3 A. Yes.

4 Q. And it's also your understanding that that
5 MTEP then consists of many individual projects or a
6 portfolio of projects that are approved by MISO's
7 board of directors; is that correct?

8 A. Yes.

9 Q. And then the IRP, the Illinois River
10 Project, if you will, is part of one of those
11 portfolios -- portfolio projects that form what's
12 called a multi-value project portfolio. Is that your
13 understanding?

14 A. No. My understanding is that the Illinois
15 Rivers Project constitutes parts of four of those
16 projects.

17 Q. Right. So the IRP is just a portion of one
18 of the multi-value projects; is that right?

19 A. A portion of four of them.

20 Q. And that IRP is an integral part and a
21 necessary component of MISO's overall regional plan;
22 is that right?

1 A. Yes.

2 Q. And MISO's MVP portfolio must meet certain
3 criteria, and you have listed those criteria in your
4 testimony; is that accurate?

5 A. Yes.

6 Q. And the first criterion you note is on page
7 6 of your testimony, and it is that the project must
8 demonstrate that it will enable the transmission
9 system to deliver energy in a manner that is more
10 reliable and/or more economic than it otherwise would
11 be without the transmission upgraded; is that
12 accurate?

13 A. Yes.

14 Q. And the second criterion you state is that
15 the project must provide multiple types of economic
16 value across multiple pricing zones, and it must be
17 cost beneficial. Is that the second criterion?

18 A. Yes, with the understanding that these are
19 ors and not ands.

20 Q. And the third criterion to consider is that
21 the project must generate quantifiable financial and
22 reliability benefits in excess of the total project

1 cost; is that correct?

2 A. Yes.

3 Q. Okay. And in your opinion you believe that
4 the IRP, the Illinois project, does address needs
5 within MISO's entire operating region; is that
6 correct?

7 A. Yes.

8 Q. And you believe that the IRP is a superior
9 approach, inasmuch as it addresses the needs of the
10 entire region as opposed to just focusing on the
11 local needs of different segments of Illinois?

12 A. Yes.

13 Q. And you also believe that the project can
14 only achieve all of these intended benefits if the
15 project is fully integrated and connected to existing
16 systems there today; is that right?

17 A. It needs to be integrated with existing
18 systems and future systems, yes.

19 Q. And is it your understanding, sir, that
20 ATXI and Ameren Illinois are both transmission owners
21 in MISO?

22 A. That's my understanding.

1 Q. And do you understand that as MISO's
2 transmission owners, both ATXI and AIC, Ameren
3 Illinois, have obligations under the MISO
4 transmission owner agreement?

5 A. Its obligations through the agreement, yes,
6 I understand that.

7 Q. And do you believe those obligations are to
8 support projects approved by the MISO board and that
9 they also include requiring good faith effort to
10 design, certify and build designated facilities to
11 fulfill the MISO's MTEP?

12 A. It's my understanding that that's part of
13 the service agreement.

14 Q. And you also understand that MISO's MVP
15 contemplates and actually includes the full
16 integration of the project into the Ameren Illinois
17 system; is that right?

18 A. It's my understanding that that was the
19 assumption when the projects became part of the MVP.

20 Q. And also through this process, it has also
21 been documented by MISO to Staff that -- the
22 requirement of the transmission owners to connect the

1 facilities pursuant to MISO's transmission owner
2 agreement; is that correct?

3 A. Within their ability, yes.

4 Q. And you are familiar with data responses
5 that MISO has given to Staff reflecting MISO's
6 documentation that they believe it's a requirement
7 for the transmission owners to integrate and connect
8 the facilities?

9 A. Do you have a number off the top of your
10 head?

11 Q. Sure. Your Honor, at this time, I would
12 like to have marked as MISO Exhibit 3, it is
13 ENG-MISO 1.1. May I approach?

14 JUDGE ALBERS: Is that a cross exhibit or --

15 MS. BOJKO: Yes.

16 JUDGE ALBERS: Okay. Why don't we just call it
17 a cross exhibit, MISO Cross Exhibit 1 just to kind of
18 keep them straight from the testimony.

19 (Whereupon, MISO Cross Exhibit
20 No. 1 was marked for
21 identification.)

22 MS. BOJKO: Thank you, your Honor. May I

1 approach?

2 JUDGE ALBERS: Yes.

3 BY MS. BOJKO:

4 Q. Sir, do you have before you what has been
5 previously marked as MISO Cross Exhibit No. 1?

6 A. Yes.

7 Q. And do you recognize that as being a data
8 response to staff from MISO ENG-MISO 1.1?

9 A. Yes.

10 Q. And do you see, sir, on the responses --
11 specifically on 1.1A where it discusses that MISO
12 does believe that the system will be integrated as
13 contemplated by MISO's MVP portfolio?

14 A. Yes, I do.

15 Q. And also, sir, if you look at Section B,
16 that is also MISO's understanding, that as
17 contemplated by MISO's MVP portfolio, that the
18 installations would include those connections?

19 A. Yes.

20 Q. And similarly, do you see in Section C that
21 MISO stated that its portfolio includes the
22 connections to the substations?

1 A. Yes.

2 Q. And finally, and also in Section 1.1 F, it
3 talks about MISO's assumption that you referenced
4 earlier with regard to the connections between the
5 345 kV and the 138 kV systems in Illinois.

6 A. Yes.

7 Q. And, sir, it's your understanding that
8 these same assumptions would occur with other
9 transmission owners; is that fair?

10 A. Not -- no.

11 Q. In MISO's -- I'm sorry. MISO's
12 transmission owners, that they would have similar
13 requirements under the transmission owner agreement
14 to connect the facilities per MISO's TOA?

15 A. Yes.

16 Q. And, sir, are you familiar with another
17 data response, which was MISO's ENG-MISO 1.4, and it
18 was also a MISO response to Staff's inquiries.

19 Your Honor, at this time I could also
20 mark this as MISO Cross Exhibit No. 2?

21 JUDGE ALBERS: All right.

22

1 (Whereupon, MISO Cross Exhibit
2 No. 2 was marked for
3 identification.)

4 MS. BOJKO: May I approach, your Honor?

5 JUDGE ALBERS: Yes.

6 MR. HARVEY: I mean, your Honor, if it would
7 save time, I think we will stipulate that we received
8 these data requests. I'm not sure if -- if counsel
9 seemed to have them admitted through Mr. Rockrohr,
10 I'm not sure he can attest to the truth of any of
11 this, though. I am sure Mr. Webb can, and I have no
12 reason to doubt that it's all, you know, true and
13 correct.

14 JUDGE ALBERS: Let's wait until we see what
15 Ms. Bojko has to say as far as offering it for
16 admission.

17 MR. HARVEY: Fair enough.

18 BY MS. BOJKO:

19 Q. Mr. Rockrohr, are you familiar with what
20 has been previously marked as MISO Cross Exhibit 2,
21 which is Staff's data response from MISO to Staff,
22 ENG-MISO 1.4?

1 A. Yes.

2 Q. And also in the response from MISO, it's
3 your understanding that MISO believes again, even
4 with regard to a different transmission owner in
5 MISO, that the connections will occur between -- in
6 order to integrate the systems?

7 A. They will occur subject to under No. 1 on
8 -- under the response to 1.4, they will occur subject
9 to regulatory approvals.

10 Q. And also within this response, it is your
11 understanding that that obligation comes from the
12 MISO transmission operator agreement?

13 A. Correct.

14 Q. And sir, if approval of certain segments or
15 facilities of the Illinois River Project are deferred
16 to a future proceeding or key elements of the MISO's
17 regional plan are not constructed, considerable
18 redesign of MISO's plan may have to occur; is that
19 correct?

20 A. I don't know that. That would depend on
21 what a future proceeding conclusion was.

22 Q. Well, it would certainly cause delay --

1 and, sir, could possibly cause delay in any
2 in-service dates that have been established through
3 MISO's regional plan; is that correct?

4 A. I don't know that it would cause any more
5 delay than a separate proceeding for the 138 kV
6 lines.

7 Q. And, sir, is it your understanding that
8 MISO's conducted analyses and actually concluded that
9 there was a need for this IRP project, specifically a
10 need for an additional 345 kV line to go across
11 Illinois?

12 A. That's my understanding, yes.

13 Q. And was it also your understanding that
14 MISO determined that this IRP project was the least
15 cost means to satisfy the service needs of not only
16 the electric utility's customers of Illinois, but
17 also within MISO's entire footprint?

18 A. That's my understanding.

19 Q. And you have stated that you have no reason
20 to doubt or question MISO's conclusions or
21 determinations, do you?

22 A. Right, correct.

1 MS. BOJKO: Thank you. Your Honor, I have no
2 further questions.

3 JUDGE ALBERS: All right. Should we try and
4 get one more in before we do lunch?

5 MR. HARVEY: Excuse me, counsel, is it safe to
6 say that you are not moving these cross-examination
7 exhibits into evidence?

8 MS. BOJKO: Based upon the objection that I am
9 going to hear, I will not move them into evidence.

10 JUDGE ALBERS: Okay. All right. Thank you.

11 Rural Clark and Edgar County
12 Intervenors.

13 CROSS-EXAMINATION

14 BY MR. MORAN:

15 Q. Mr. Rockrohr, my name is Bill Moran. I
16 represent the Rural Clark and Edgar County Concerned
17 Citizens. I am here with my co-counsel today, Joe
18 Schroeder from Marshall, Illinois. The segment that
19 I am concerned with is the Kansas substation to the
20 Indiana line. And I understand that you endorsed two
21 different alternates through that area; is that
22 correct?

1 A. Well, at the time of my direct testimony,
2 there were some -- or in my direct testimony I
3 requested that ATXI provide some costs for a couple
4 of different route alternatives, and the costs that
5 they have provided basically cause me to -- to
6 refresh my memory.

7 Q. And are you looking ATXI Exhibit 16.3, page
8 8 of 9?

9 A. Yes, I am. Thank you. Yes, in the -- the
10 results of that cost provision show that the rebuttal
11 recommended route and the SPLC Instanter route are
12 very close in cost with the Stop the Power Lines
13 Coalition route suggestion being slightly less
14 costly.

15 Q. And the difference is about 1,571,000
16 between the two of those?

17 A. Yes.

18 Q. And least cost is one of your significant
19 markers that you use in this area to determine
20 which -- which line is preferable?

21 A. Well, more to the point it's what the
22 statute states. Though I'm not an attorney, I think

1 that that -- that is why I put import on it.

2 Q. So when all things are equal, if one route
3 is less expensive than the other, even though you are
4 not an attorney, that's the route that you are going
5 to recommend?

6 A. Yes.

7 Q. And in this case, you came down in your
8 testimony -- you didn't go with ATXI's primary route.
9 You found some problems there; is that correct?

10 A. Yes, that's correct.

11 Q. And it turned out to be the most expensive
12 of all the routes?

13 A. It's -- it turned out to be a higher cost
14 than the alternative.

15 Q. By about \$5 million?

16 A. Yes.

17 Q. So then you looked at the alternative route
18 that ATXI proposed?

19 A. Yes, and just to be clear, when I was
20 looking at these routes, I don't have the benefit of
21 necessarily seeing the hills and valleys from a
22 software program. So based solely on length and

1 turns, I concluded that the alternate route and the
2 Stop the Power Lines Coalition routes appeared to be
3 the least cost.

4 Q. And if you had more time, you would have
5 gone out and looked at the hills and dales?

6 A. Sure.

7 Q. And in this case, would you agree with me
8 that a prime hallmark of ATXI's alternative route is
9 that it heads southeast out of the Kansas substation
10 and then cuts at a certain point due east across the
11 area?

12 A. Generally, yes, I agree with that.

13 Q. And that part that cuts due east across the
14 area is -- I have dubbed it virgin territory. I
15 don't know if that's an appropriate technical term,
16 but there are no other transmission lines in that
17 area.

18 A. I'm not aware of any other transmission
19 lines in that area.

20 Q. And so all of those landowners along that
21 alternate route would be somehow burdened with having
22 this new transmission line across their properties if

1 that was the one that the Commission adopted?

2 A. Yeah. No matter what route that the
3 Commission were to adopt, somebody would be burdened
4 by having a transmission line, yes.

5 Q. And those burdens are to farming
6 operations, businesses that are run out of homes or
7 are located along the route, and in essence, a
8 corridor is created when a new transmission line
9 comes through an area; is that correct?

10 A. Certainly a right-of-way or easement would
11 be necessary to build the line.

12 Q. And there is some data on all of these
13 lines that when you build a line like that it
14 devalues the property at least somewhat?

15 A. I can't speak to that. As an engineer, I
16 didn't value the affects of the presence or lack of
17 presence of a transmission line on the -- on the
18 value of the property based on the presence or lack
19 thereof of a transmission line. I can't really speak
20 to that.

21 Q. Let's move to the second route then that
22 you talked about, which was Stop the Power Lines'

1 second alternative route. And the hallmark of that
2 route is that it essentially goes straight east out
3 of the Kansas substation, passes to the north of
4 Marshall along a straight line, that's an existing
5 power line, a 138 kV line?

6 A. Yes.

7 Q. And then it cuts -- when that 138 kV line
8 cuts to the northeast, then Stop the Power Lines'
9 second alternative cuts down to the southeast and
10 meets at the same place that Ameren's alternative
11 line meets?

12 A. Yes, that's my understanding.

13 Q. And you testified a lot earlier today about
14 these parallel lines having 138 K line and a 345 K
15 line run next to each other. From a technical
16 engineering standpoint, are there any problems with
17 those two rights-of-way running next to each other?

18 A. There is nothing unsafe or inherently
19 unreliable about having two transmission lines that
20 do not serve the same function or area routed
21 adjacent to each other.

22 Q. Is that a standard practice in the

1 industry, to have rights-of-way follow each other, if
2 possible?

3 A. It's common. The -- whether it's a
4 standard practice will depend on the availability of
5 other viable routes, the availability of -- I'm
6 sorry -- the purpose of the lines that are
7 preexisting.

8 So to give you an example, if -- if a
9 line needed to supply the same exact area as an
10 existing line, because of a capacity constraint, then
11 putting that same line right next to the existing one
12 probably wouldn't make a lot of sense because both
13 could affect the same group of customers.

14 However, we are not talking about
15 putting those lines on the same structures in the
16 same right-of-way. We are talking about in this case
17 putting lines on separate parallel rights-of-way and
18 the two lines -- it is my belief, that these two
19 lines do not serve the same customers or function.

20 Q. Would there be any concerns about any
21 interference from the two lines, one being a 138 K,
22 the other being a 345 K?

1 A. What do you mean by interference?

2 Q. I don't know. The aura, the electric
3 field, would those two lines in any way affect each
4 other?

5 A. The magnetic fields could either cancel one
6 another out or be additive, depending on how the
7 conductors are arranged on the structures. So it
8 would not be difficult to actually improve the end
9 result by having -- based on the configuration of the
10 lines.

11 Q. So technically they could do it so there
12 wouldn't be a problem?

13 A. Yes, that's my belief.

14 Q. Do you see any benefits here in this area
15 of having that route that follows the existing line
16 on a parallel as opposed to going through country
17 that's not already burdened by a power line
18 transmission line?

19 A. Well, getting back to the statute, in this
20 case it's slightly cheaper, lower cost.

21 Q. So in other words, all things are equal in
22 this case. You don't see a big difference between

1 the two different areas?

2 A. In this case, with regard to the Stop the
3 Power Lines Coalition route versus the alternate
4 route, I think the deciding factor for me is the
5 cost.

6 Q. And so in this case you would recommend the
7 Stop the Power Lines' Alternate No. 2?

8 A. Yes.

9 MR. MORAN: I don't think I have any further
10 questions.

11 JUDGE ALBERS: All right. Thank you,
12 Mr. Moran.

13 Does Ameren want to try to go now with
14 their cross?

15 MR. WHITT: Yes. I don't expect to be as long
16 as my estimate, your Honors.

17 JUDGE ALBERS: Okay.

18 MR. WHITT: Before I begin, I would indicate
19 that it had been our intention to go last, and I
20 think that that's appropriate given that ATXI has the
21 burden of proof. I am prepared to go forward. I do
22 understand there is some discussion between counsel

1 for MCPO and the Colfax-Scott Group about getting an
2 additional exhibit in.

3 I would simply ask to reserve time for
4 additional cross once I have an opportunity to see
5 those exhibits and limit it only to the subject
6 matter of the exhibits.

7 JUDGE ALBERS: All right. I am just hoping to
8 get Mr. Rockrohr done today. All right. Go ahead
9 then.

10 CROSS-EXAMINATION

11 BY MR. WHITT:

12 Q. Thank you. Mr. Rockrohr, my name is Mark
13 Whitt. I am one of the counsel for ATXI, and I would
14 like to ask you some questions about your
15 recommendations to the Commission in this proceeding.

16 And I assume we can agree that the
17 Commission's decision in this case should apply the
18 standards set forth in Section 8-406.1(f) of the
19 Public Utilities Act?

20 A. It should certainly include subsection F,
21 yes.

22 Q. Okay. And you have included an excerpt of

1 the statute at page 5 of your testimony, correct?

2 A. Yes.

3 Q. And as we see from your testimony again,
4 page 5, lines 91 through 110, the statute lists three
5 criteria that have to be satisfied in order for the
6 Commission to administer a certificate, correct?

7 A. This section lists three. I don't mean to
8 imply with this testimony that that's all that is --

9 Q. Certainly. And just to paraphrase
10 subsection 1 essentially requires that the Commission
11 has to find that the project is necessary, correct?

12 A. Yes.

13 Q. And under subsection 2, the Commission has
14 to find that the utility is capable of efficiently
15 managing and supervising construction of the project,
16 correct?

17 A. That's correct.

18 Q. And subsection 3, the Commission has to
19 find that the utility has the wherewithal to finance
20 the project, correct?

21 A. Yes.

22 Q. Okay. Now I am going to be asking you some

1 more questions about or relative to each of these
2 three criteria. I would like to start with the
3 second and third first, if we could.

4 And with respect to subsection 2 of
5 8-406.1, if you will go with me to page 7, line 157
6 of your testimony.

7 There is a question which asks whether
8 ATXI is capable of efficiently managing and
9 supervising construction, and at line 159 your answer
10 begins, "I do not know." Is that correct?

11 A. Yes.

12 Q. And then you go on in your answer to talk
13 about concerns you have with regard to what would
14 happened to ATXI and the project should Ms. Borkowski
15 leave ATXI. Is that a fair characterization?

16 A. Yes.

17 Q. And I assume you have reviewed Ms.
18 Borkowski's testimony, her rebuttal testimony?

19 A. Yes.

20 Q. Does her rebuttal testimony alleviate your
21 concerns?

22 A. Her rebuttal testimony offers an

1 explanation that -- well, if I could paraphrase, that
2 somebody else will just fill in. And I couldn't say
3 it 100 percent alleviates my concerns, no.

4 Q. Well, since you used the percentage, and
5 it's not 100 percent, is it greater than 90 percent?

6 A. If we are going to talk percentages, I
7 would say it's somewhere around 75 to 80 percent.

8 Q. And you have been around the Commission a
9 number of years, have you not?

10 A. Yes.

11 Q. And you have seen Commissioners come and go
12 from their positions at the Commission?

13 MR. HARVEY: We will stipulate to that.

14 BY THE WITNESS:

15 A. Yes, there have been several different
16 Commissioners since I have been here.

17 BY MR. WHITT:

18 Q. Okay. And when a Commissioner leaves, the
19 Commission continues to function, doesn't it?

20 MR. HARVEY: We won't stipulate to that.

21 BY THE WITNESS:

22 A. Yes.

1 BY MR. WHITT:

2 Q. As well as it can.

3 So there is a process in place at the
4 Commission for filling replacements of Commissioners
5 as they go on to do bigger and better things,
6 correct?

7 A. Yes.

8 Q. And what Ms. Borkowski explained to you,
9 would you agree that's somewhat similar insofar as
10 she does explain a process that's in place to
11 identify her successor should she leave the company?

12 A. Yes.

13 Q. And in your view, you are 75 to 80 percent
14 satisfied that ATXI would continue in some capacity,
15 as well as the project, should Ms. Borkowski leave?

16 A. Yes.

17 Q. Okay. Now, with regard to the third
18 criteria we just discussed a moment ago, in your
19 testimony you indicate at page 8, line 171, that you
20 don't know whether ATXI is capable of financing the
21 project, correct?

22 A. Yes.

1 Q. And at line 176 of your testimony you do
2 reference ATXI witness, Mr. Hughes, who discussed
3 ATXI's plans to finance the project, correct?

4 A. Correct.

5 Q. And your testimony does not take issue with
6 Mr. Hughes' plan, correct?

7 A. That's correct.

8 Q. And if you came across something that led
9 you to question ATXI's ability to finance the
10 project, you would have mentioned that in your
11 testimony, wouldn't you?

12 A. Yes. I would have answered -- at line 176,
13 I would have said no.

14 Q. Okay. Well, I guess I will violate my rule
15 a second time and ask another open-ended question,
16 which is, is it now your opinion based on everything
17 you have looked at subsequent to your direct
18 testimony that ATXI is capable of financing the
19 project?

20 A. I understand that ATXI -- through Mr.
21 Hughes' testimony I understand that ATXI's plan is to
22 borrow the -- most of the funds from Ameren

1 Corporation.

2 Q. Okay.

3 A. And I have no reason to question that that
4 line of credit won't be available to them.

5 Q. Okay. So your concern is not necessarily
6 whether ATXI issues its own debt or equity or raises
7 the funds itself. You just want to be satisfied that
8 ATXI will secure the financing, and if it does that
9 through Ameren Corp, that's okay with you?

10 A. That's correct.

11 Q. Now, I would like to talk to you about your
12 recommendation concerning the need for the project,
13 and I know that there have been some questions. So I
14 will try to be brief here.

15 But I thought I heard you say in
16 response to a question from ACPO's counsel that the
17 need for the project had something to do with market
18 reasons. Do you recall that line of testimony?

19 A. Do I recall that response?

20 Q. Yes.

21 A. Yes.

22 Q. Okay. And now you understand, don't you,

1 that MISO also identified reliability issues and
2 concerns that the Illinois River Project will
3 address?

4 A. Yes.

5 Q. Okay. And I just wanted to make sure you
6 didn't intend to suggest that these what I will call
7 market reasons were the only need for the project?

8 A. Okay.

9 Q. Is what I said fair?

10 A. Yes.

11 Q. Okay. So there is a market need, and there
12 are also these reliability issues that justifies the
13 needs as well; is that fair?

14 A. Yes.

15 Q. Now, as part of your work in this case you
16 came to learn, if you didn't know already, that there
17 is a need for transmission investment in Illinois,
18 correct?

19 A. Yes.

20 Q. And you agree that a 345 kV line across
21 central Illinois is necessary and the least cost
22 means to specify the service needs of electric

1 customers not only in Illinois, but in MISO's
2 footprint generally?

3 A. Yes.

4 Q. And the 345 kV transmission line proposed
5 in this proceeding would, in fact, run from one end
6 of central Illinois to the other, correct?

7 A. Yes.

8 Q. So in that respect, the transmission line
9 proposed by ATXI would satisfy the service need that
10 you identified and acknowledged in your testimony,
11 correct?

12 A. With the exception of those 138 kV
13 connections that I keep talking about.

14 Q. Okay. Well, those would satisfy the
15 service need, too, right?

16 A. Well, I think both are necessary to satisfy
17 the service need.

18 Q. Fair enough. Now, in your opinion is it --
19 would it be possible to build a line across central
20 Illinois, one end to the other, without impacting
21 farms?

22 A. I think it's improbable.

1 Q. Okay. Would you find it equally improbable
2 that one could build a transmission line across
3 central Illinois, one end to the other, without
4 impacting residences?

5 A. Again, I think that's unlikely.

6 Q. Okay. Would your answer be the same if I
7 asked you about impact -- environmental impacts;
8 trees, wildlife, those sorts of things?

9 A. Same answer.

10 Q. Okay. Is it fair to say then that a 370
11 plus mile transmission line running from the
12 Mississippi River to the Indiana border is going to
13 impact someone?

14 A. I think it's unlikely (sic).

15 Q. Okay. In your opinion, based on everything
16 you have reviewed in this case, has ATXI taken
17 reasonable attempts to mitigate those impacts?

18 A. I believe in most locations the answer
19 would be yes.

20 Q. Okay. And in your opinion, would it be
21 realistic to have a regulatory policy that prohibited
22 construction of a transmission line unless the

1 utility could show that no one would be impacted?

2 Does that strike you as reasonable?

3 A. No.

4 Q. Now, the parties in this case have
5 generally discussed the project, and I think you do
6 as well, by reference to nine separate segments; is
7 that right?

8 A. Correct.

9 Q. And the westernmost section of the line
10 begins at the Mississippi River and runs to the
11 Quincy substation, correct?

12 A. Yes.

13 Q. And then on the east we have a segment
14 running from the Kansas substation to the Indiana
15 state line, correct?

16 A. Yes.

17 Q. And can we agree that for the transmission
18 line to provide all of the benefits acknowledged in
19 your testimony, there needs to be a connection
20 between that westernmost and easternmost segment?

21 A. Yes.

22 Q. And, in fact, you generally support the

1 construction of the entire length of the Illinois
2 River Transmission Line, but have a few issues with
3 ATXI's specific proposal to do so; is that right?

4 A. Yes.

5 Q. Okay. And I would like to talk about a
6 couple of the issues you identify. It's your opinion
7 that the 345 to 138 kV transformer should be excluded
8 from the certificate because you don't believe a
9 commitment has been shown that the line will connect
10 to AIC's existing 138 kV system, correct?

11 A. Correct.

12 Q. And at line 336 of your testimony, you
13 suggested that ATXI present evidence of a documented
14 commitment to make these connections; is that
15 correct?

16 A. Yes.

17 Q. And we know that you have looked at
18 Ms. Borkowski's rebuttal testimony, right?

19 A. Yes.

20 Q. Are you satisfied with her response to your
21 concern about the substation connections?

22 A. Yes, I am.

1 Q. Would you now agree that the 345 to 138 kV
2 transformers should be included in the certificate
3 issued in this proceeding?

4 A. Candidly, I think it would make more sense
5 for them to be included in the -- when the 138 kV
6 connections are made, because that's their purpose,
7 would be to supply those 138 kV connections.

8 Q. Okay. And I understand that that would be
9 one way to do it, but ATXI is asking for those
10 transformers to be included in this certificate in
11 this proceeding, correct?

12 A. That's my understanding.

13 Q. And you are satisfied that a commitment has
14 been shown that AIC will connect to the ATXI system,
15 correct?

16 A. Yes.

17 Q. And would it be fair to say then that ATXI
18 has made a sufficient demonstration that those
19 transformers should be included in the certificate in
20 this proceeding?

21 A. Yes.

22 Q. Now, another concern you had or have --

1 maybe you still have -- had to do with the location
2 of the Mt. Zion substation and whether that
3 substation should even be built. Do you generally
4 recollect that testimony?

5 A. Yes, I do.

6 Q. And in your direct testimony you
7 recommended a separate proceeding to determine the
8 best routing between Pana and Kansas, correct?

9 A. Yes.

10 Q. And is it fair to say that at the time of
11 your direct testimony you understood some sort of
12 connection between Pana and Kansas was necessary, but
13 you weren't convinced that that connection should
14 include a substation at Mt. Zion?

15 A. Yes.

16 Q. Okay. And at line 991 of your testimony --
17 yeah, actually lines 990, 991. You seem to account
18 for the possibility that ATXI still might provide
19 convincing evidence that the segments connecting Mt.
20 Zion are necessary; do you see that?

21 A. I do.

22 Q. Does ATXI's rebuttal testimony convince you

1 that a connection is, in fact, necessary at Mt. Zion?

2 A. Actually, I believe it was a response to a
3 data request that caused me to believe that there is
4 a need for the substation at Mt. Zion.

5 Q. Okay. So, in your opinion, the -- you
6 would recommend to the Commission that it include the
7 Mt. Zion substation in the certificate issued in this
8 case?

9 A. That it include a Mt. Zion substation.

10 Q. So we would have a connection from Pana
11 down to Mt. Zion, correct?

12 A. I will have to stop you and say not
13 necessarily.

14 Q. Go ahead.

15 A. There is -- I discovered after -- after the
16 filing of testimony, I discovered that there was not
17 a consideration of a Kincaid to Mt. Zion option that,
18 I believe, needs to be explored as well.

19 Q. At page 16 of your testimony there is some
20 discussion about the 138 kV connecting routes, and
21 their exclusion from the certificate sought in this
22 proceeding.

1 Is that the general subject of that
2 portion of your testimony?

3 A. Beginning at 340 -- line 345?

4 Q. Yes.

5 A. Yes.

6 Q. Okay. Could we agree that litigating the
7 138 kV connecting routes would likely have introduced
8 more issues in this proceeding?

9 A. No, I don't think so. I think the issues
10 is already in this proceeding. So, no, I don't think
11 so.

12 Q. But in terms of specific route locations
13 for the 138 kV connections -- well, let me back up.

14 You have seen the maps that ATXI
15 witnesses submitted showing general areas for
16 proposed substations, correct?

17 A. Yes.

18 Q. And is it your understanding that the areas
19 designated on those maps consisted of an approximate
20 six-mile radius for each substation?

21 A. I don't know that.

22 Q. Okay. But it was some -- I don't want to

1 put words in your mouth.

2 It would be fair to characterize these
3 as general substation locations and not necessarily
4 pinpoints on a map exactly where they would go?

5 A. Well, one of the ATXI witnesses stated that
6 nearly all the substation sites had been obtained and
7 that they were unlikely to change.

8 Q. Okay. Can we agree that in order for ATXI
9 to obtain a certificate for the 138 kV connections it
10 would need to know what is being connected and where?

11 A. It would need to know, yes.

12 Q. Okay. Counsel for ACPO and Farm Bureau
13 asked you about what you did and didn't do in the
14 case and whether you would like to have more time and
15 so forth. And I would like to explore that just a
16 little bit.

17 And let me ask you, do you ordinarily
18 take helicopter tours when you are involved in the
19 transmission siting cases?

20 A. No.

21 Q. Okay. Do you know how low you flew on --
22 when you flew through the routes?

1 A. How low? Well, at some points we were on
2 the ground. I mean --

3 MR. HARVEY: Are you asking the witness for the
4 approximate altitude?

5 BY MR. WHITT:

6 Q. Well, let me ask you a different way. How
7 high did you fly?

8 A. I think a couple hundred feet would be the
9 estimate.

10 Q. Okay. But at an altitude, I assume, that
11 you wanted to be at so you could have a pretty good
12 idea of where the line was going to go and what would
13 be beneath and around it, correct?

14 A. We drove both the preferred and the
15 alternate proposed routes as presented by ATXI, and
16 if I would ask to stop and slow down, the pilot would
17 accommodate that.

18 Q. Okay. Did you stop and hover anywhere?

19 A. I am sure we did.

20 Q. Okay. Did you -- you also used the Google
21 Earth and other computer maps; is that right?

22 A. Largely Google maps and Bing maps.

1 Q. And I have made recreational use of Google
2 maps before to, like, see what my house looked like
3 and things like that, and it looked to me that you
4 can zoom in pretty close on those maps. Was that
5 your experience?

6 A. My experience with the software was that
7 you could get pretty good resolution from looking
8 down, but it was pretty hard to see what elevations
9 would be.

10 Q. Okay.

11 A. In addition, it's difficult to determine
12 when the pictures were taken, what -- what might have
13 changed since the time those photographs were placed
14 on the Google or Bing websites.

15 Q. Okay. Now, you work on -- in addition to
16 transmission cases at the Commission, you also work
17 on rate cases, correct?

18 A. Yes.

19 Q. And those cases have an approximate
20 11-month statutory deadline, correct?

21 A. Yes.

22 Q. And I assume your experience is like that

1 of the rest of us when we seem to all wish we had
2 more time in rate cases as well, correct? Has that
3 been your experience?

4 A. Normally, yes.

5 Q. Okay. And that's not so different from
6 what we are dealing with here in the sense that we
7 have a lot of work to do, but there is a statutory
8 deadline, correct?

9 A. Eleven months is significantly longer than
10 what we have in this proceeding.

11 Q. Sure. But notwithstanding the fact that it
12 would have been nice, perhaps, to have additional
13 time, I assume you feel like you were able to do an
14 adequate job to arrive at the recommendations that
15 you have, correct?

16 A. I would phrase it as providing the best
17 recommendations I believe that I could, given the
18 time constraints of the proceeding.

19 Q. Yeah. Now, one of the things that makes an
20 expedited proceeding different than what I will call
21 a regular or non-expedited proceeding is that there
22 is a required public meeting process that has to

1 happen before the company files a certificate,
2 correct?

3 A. Yes.

4 Q. And there are also filing the requirements
5 not only in the statute but in the Commission's rules
6 about information that needs to be included with a
7 petition, correct?

8 A. Certainly in the statute. Sitting here, I
9 can't think of them in the Commission's rules.

10 Q. Okay. Okay. But in your experience, when
11 a company seeks a certificate through the expedited
12 process, there is significantly more data and
13 information included with the expedited filing, as
14 opposed to the non-expedited filing; is that correct?

15 A. At the time of the filing of the 8-406.1
16 proceedings I have been involved with, significantly
17 more data has been provided at the time of the
18 filing.

19 Q. Okay. And I would assume that given the
20 submission of data at the time of filing that that
21 alleviates some of the burden you would ordinarily
22 have to go through in seeking the information in

1 discovery?

2 A. Yes.

3 Q. And you attended some of the public
4 meetings held by ATXI, did you not?

5 A. For this project I attended one in -- held
6 in Chatham.

7 Q. And did it appear to you that the company
8 was giving useful information and engaging the public
9 in that process?

10 A. Yes. In fact, I was impressed with the map
11 display that the company had provided at the public
12 meeting. It made it, I felt, very useful for the
13 attendees to find their property in relation to the
14 proposals.

15 MR. WHITT: Thank you very much. I have no
16 further questions.

17 JUDGE ALBERS: Thank you. Why don't we take a
18 break for lunch now? I have got 12:15. Let's meet
19 back here at 1:15, and Mr. Harvey, Mr. Robertson,
20 Mr. McNamara, if you would have your discussion, and
21 we will finish with Mr. Rockrohr when we get back.

22 MR. HARVEY: We will do that, your Honor.

1 JUDGE ALBERS: Is 1:30 --

2 MR. WHITT: 1:30 is fine.

3 JUDGE ALBERS: 1:30 then.

4 (Whereupon, a lunch break was
5 taken.)

6 JUDGE ALBERS: Welcome back. Did -- Mr.
7 Harvey, I believe the only questioning we had left
8 for Mr. Rockrohr is that which concerns the
9 Colfax-Scott and Edgar County.

10 Did you guys have a chance to talk?

11 MR. HARVEY: We did have a chance to discuss
12 the data requests that we had raised earlier in the
13 hearing, your Honor, and the copies of those were
14 provided to counsel to make certain that they didn't
15 have major issues with them.

16 To be clear, we were going to
17 stipulate between and among ourselves and ATXI to put
18 these into evidence. So, you know, whether they are
19 properly, you know, a subject for cross-examination,
20 Mr. Rockrohr is -- you know, something you could
21 have --

22 JUDGE ALBERS: And my only concern right now,

1 is whether or not Mr. Robertson or Mr. McNamara have
2 any questions.

3 MR. HARVEY: All right. I wanted to make
4 sure -- make you understand that I had complied with
5 your order.

6 MR. ROBERTSON: Your Honor, we don't have any
7 cross. We understand these are -- we have no cross
8 of this witness on those documents, because we
9 understand they are going in as exhibits in lieu of
10 cross-examination of the witnesses who are identified
11 on the data requests, and this witness is not
12 involved in that, other than the fact that he was the
13 sponsor of the questions to the company.

14 And I understand it's not
15 supplementing his direct testimony or any of the
16 testimony he has given here today.

17 MR. HARVEY: As always, Mr. Robertson put it
18 much more eloquently.

19 JUDGE ALBERS: Mr. McNamara.

20 MR. McNAMARA: I have a couple questions, but
21 they are not going to go to what they are putting in.
22 So I am fine.

1 JUDGE ALBERS: Okay. Well, I don't think
2 anyone else has any questioning time reserved.

3 MR. McNAMARA: I would like to ask him a few
4 questions, but not on these.

5 JUDGE ALBERS: Okay.

6 CROSS-EXAMINATION

7 BY MR. McNAMARA:

8 Q. Good afternoon, Mr. Rockrohr. I am Ed
9 McNamara. I represent three segments along and upon
10 the line. I am going to ask you, with regard to that
11 portion of the line from Meredosia to Pawnee, there
12 have been a number of routes suggested. Is that not
13 correct?

14 A. I believe there has been a few routes.

15 Q. There was a primary route and a secondary
16 route that the company originally suggested; is that
17 correct, sir?

18 A. Yes.

19 Q. And there was an alternate route that
20 Morgan and Sangamon County Landowners and Tenant
21 Farmers identified the last day of 2/12 --
22 December 31, 2012; is that correct?

1 A. I can't vouch for the date, but I remember
2 that that intervener provided an alternative.

3 Q. And in your testimony -- I am going to
4 refer your attention to lines 767 to 777.

5 A. Yes.

6 Q. You asked that the company furnish you
7 certain additional information with regard to that
8 particular segment, did you not?

9 A. Yes. Let's see. I asked for some cost
10 estimates.

11 Q. And, in fact, did the company furnish you
12 cost estimates?

13 A. Yes, in exhibits -- ATXI Exhibit 16.3.

14 Q. I would refer your attention to page 4 of
15 that exhibit, sir.

16 A. Yes.

17 Q. Subject to check, would you agree that the
18 alternate route originally proposed by the company,
19 as well as the rebuttal recommended route, would have
20 a cost of approximately \$15 million more than the
21 primary route?

22 A. Yes.

1 Q. Also, subject to check, would you agree
2 that the route recommended and proposed by Morgan and
3 Sangamon County Landowners and Tenant Farmers and
4 identified by them would cost approximately \$36,782
5 more than the alternate route?

6 A. Well, less than the alternate route.

7 Q. Yes.

8 A. Yes.

9 MR. HARVEY: It might be --

10 BY MR. McNAMARA:

11 Q. Excuse me. Thank you. \$36,782,000 less
12 than the alternate route?

13 A. Yes.

14 Q. You were questioned -- a comparison was
15 made by Mr. Whitt between this case and a rate case.
16 Do you remember that testimony this morning?

17 A. Yes.

18 Q. And in a rate case you are given the 11
19 months to make -- the Commission, rather, is given 11
20 months to make a decision?

21 A. Yes. In a traditional rate case, yes.

22 Q. And in this case, under expedited procedure

1 there is some five months, which may be extended?

2 A. Yes.

3 Q. With regard to a rate case, from time to
4 time, do the companies seeking a rate increase come
5 back to the Commission and ask for higher rates?

6 A. Are you asking --

7 Q. Here is what I am asking, sir.

8 A. -- during that rate case?

9 Q. I withdraw the question.

10 Rate cases continue on, do they not?

11 There is a rate case. A rate is established, and
12 then sometime in the future a new rate is
13 established. Isn't that generally the case?

14 A. Well, following a rate case, a decision is
15 made on the new rates, and at some point in time a
16 utility might file for new rates, at some future
17 point in time.

18 Q. Sure. It's an ongoing -- it can be an
19 ongoing procedure, can it not? There are rates
20 established. The rates stay into effect until the
21 company comes back and establish -- and the
22 Commission allows them to establish a different rate?

1 A. Correct.

2 Q. In this case, if the Commission rules that
3 a particular route is going to go through a
4 particular farm, do you have any reason to believe
5 that the Commission six months, 18 months, five years
6 from now will come back and say, no, you have got to
7 move that line?

8 A. I'm not aware of that happening.

9 Q. Pretty unlikely?

10 A. Yes.

11 MR. McNAMARA: That's all I have.

12 EXAMINATION

13 BY JUDGE ALBERS:

14 Q. All right. I just had a couple of
15 questions for you, Mr. Rockrohr, and then we can turn
16 things back over to Mr. Harvey for any redirect.

17 The route that you have recommended,
18 do you recall just what portion of that would have,
19 you know, adjacent rights-of-way, versus an entirely
20 separate area, you know, not related to any
21 additional -- I'm sorry -- any other transmission
22 line, existing transmission line? Does that make

1 sense?

2 A. If I could reiterate the question.

3 Q. Go ahead. I didn't do -- state it very
4 well, so --

5 A. And in total, do you mean for all segments?

6 Q. Right.

7 A. I did not perform that to determine what
8 percentage would be adjacent to existing 138 kV, for
9 instance.

10 Q. Okay. I'm just -- having heard your
11 earlier testimony regarding adjacent rights-of-way
12 to -- into existing transmission lines, it sounds
13 like you don't think there is any particular problem
14 with having two rights-of-way parallel to each other,
15 each with their own transmission line, and I think
16 that would be a different answer, though, as far as a
17 double circuit on the same poles? Would you --

18 A. Yeah. Putting both circuits on the same
19 poles could be fine, also depending on the
20 functionality of the two transmission lines. If both
21 transmission lines are going to supply the same load,
22 for instance, then my interpretation of the NERC

1 standards would require consideration for both of
2 those lines basically being out simultaneously,
3 versus if the two lines were on separate
4 rights-of-way, not on the same structures, that the
5 NERC requirements -- my interpretation of them is
6 that those would be considered just as if those two
7 transmission lines were some distance apart. They
8 are relatively unlikely to be subjected to the same
9 structure failure, for example.

10 Q. And then, if you recall, I think the only
11 part of the proposed route that Ameren is offering on
12 its rebuttal is -- the only part where the double
13 circuit is on the same pole is around Champaign?

14 A. Yes.

15 Q. And then I don't think they have any
16 adjacent or parallel rights-of-way anywhere else in
17 their project; is that right?

18 A. No. I believe that there are quite a few
19 locations where 345 kV and 138 kV would --
20 rights-of-way would be adjacent to each other --

21 Q. Okay. There is? Okay. I'm sorry.

22 A. -- within the proposal.

1 JUDGE ALBERS: All right. That was just some
2 clarification on my part. Thank you.

3 THE WITNESS: Ah-huh.

4 JUDGE ALBERS: Do you have any redirect?

5 MR. HARVEY: Can I have a moment, your Honor?

6 JUDGE ALBERS: Yes.

7 (Whereupon, a short break was
8 taken.)

9 MR. HARVEY: No redirect, your Honor.

10 JUDGE ALBERS: All right. Thank you. Any
11 objection then to the admission of Staff
12 Exhibit 1.0 R with Attachments A through N?

13 MR. McNAMARA: No objection.

14 JUDGE ALBERS: Hearing no objection, those are
15 admitted.

16 (Whereupon, Staff Exhibit No.
17 1.0 R with Attachments A-N were
18 admitted into evidence.)

19 JUDGE ALBERS: Thank you, Mr. Rockrohr.

20 JUDGE YODER: I believe the next witness on the
21 list is Leon Corzine.

22 Mr. Corzine, for the record, were you

1 previously sworn?

2 THE WITNESS: Yes, sir, I was this morning.

3 JUDGE YODER: Thank you.

4 LEON CORZINE,

5 having been first duly sworn, was examined and

6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. TIGHE:

9 Q. My name is Tim Tighe, T-I-G-H-E, and I am
10 counsel for Mr. Corzine.

11 Would you please state your name for
12 the record?

13 A. Name is Leon Corzine. I am a family farmer
14 from Assumption, Illinois.

15 Q. And Mr. Corzine, on March 28th, 2013, you
16 previously filed with the Commission an affidavit to
17 be your direct testimony in this cause; is that
18 right?

19 A. That is right.

20 Q. Okay. And do you wish the ALJs to consider
21 that to be your direct testimony in this cause today?

22 A. Yes, I do.

1 MR. TIGHE: No further questions on this
2 witness, your Honor.

3 JUDGE YODER: I believe Ameren has cross?

4 MR. WHITT: We do. May I approach and use the
5 screen?

6 JUDGE YODER: Yes.

7 CROSS-EXAMINATION

8 BY MR. WHITT:

9 Q. Mr. Corzine, while the projector is warming
10 up here, I will introduce myself. My name is Mark
11 Whitt. I am one of the attorneys for ATXI. I have a
12 few questions for you today. And we do appreciate
13 your taking the time to be here and your input into
14 the case.

15 I understand, sir, according to your
16 testimony that you own 155 acres, more or less, of
17 farmland in the area of where the transmission line
18 would run?

19 A. Yes, we do. And then we also farm another
20 155 where it goes through, north; about four or
21 five miles north as well.

22 Q. Okay. And you indicate in your testimony

1 that currently there are two sets of power lines on
2 land that you farm; is that correct?

3 A. That's right.

4 Q. And those power lines were on the land
5 before you purchased it, correct?

6 A. Yes.

7 Q. Is it fair to say then that the land,
8 notwithstanding the presence of two sets of power
9 lines, did -- did and does have value to you for
10 farming?

11 A. Well, it certainly does, but when we
12 purchased this -- this actually is the first farm
13 that my dad and I purchased together when I came back
14 to the family farm when I came back from college and
15 work. And we actually got a little bit of a reduced
16 rate because the two power lines were already there,
17 as well as this particular farm has a drainage system
18 through it. So it really does complicate the farming
19 operation, and it did reduce the price when
20 we negotiated the price when we purchased.

21 Q. Okay. My point being, the preference of a
22 drainage and of the transmission lines didn't render

1 the land that you purchased unusable for farming?

2 A. No. But it does adjust some things we have
3 to adjust. For example, every year we do some aerial
4 application, and we have to adjust how we do that.
5 Where there are the two sets, there is the one
6 primary set, the H structure, and then there is also
7 the -- it's a residential line. On that part of it,
8 we have difficulty where we have to alter the way we
9 do aerial application, and actually on the entire
10 farm we do, because if there is one set of lines you
11 can kind of run parallel to those, and with the
12 equipment on the aerial applicators now they can do
13 that.

14 But with a second -- another set,
15 well, then you would have a reasonably -- a pretty
16 good sized area that you cannot do aerial application
17 because no aerial applicator can get insurance or
18 would even consider anyway flying in between those
19 poles, because they don't -- they don't match up in
20 these zones, and that's part of the reason why we do
21 some seed corn production now which is pretty
22 lucrative.

1 It generally adds -- it can be from
2 200 to \$500, maybe even more, an acre to the value
3 each year. That would have been off of that
4 production, and that has been -- and I think in one
5 of your core cross sets of questions I answered that
6 they will no longer consider those farms if there is
7 another set of power lines there for seed production.

8 Q. All right. Let me back up a second. The
9 complications -- I take it that the presence of the
10 two existing sets of power lines on your property
11 does cause you some complications for farming,
12 correct?

13 A. Yes, it does. And actually a safety issue.
14 There was just a safety issue even on TV this
15 morning, and what actually happened was there was
16 a --

17 Q. I'm sorry to interrupt, sir, but you
18 answered my question and then some. Your counsel can
19 ask you questions on redirect.

20 JUDGE YODER: Mr. Corzine, just -- if you could
21 just answer M. Whitt's question with what he asked,
22 and then when your attorney has an opportunity to

1 give redirect, then you can elaborate or expand.

2 BY THE WITNESS:

3 A. Okay.

4 BY MR. WHITT:

5 Q. Let's just try to break this down. The
6 preference of the two sets of power lines causes some
7 complications, which you have described, for farming,
8 correct?

9 A. Yes.

10 Q. And the issues that you currently face with
11 those two sets of power lines have existed since you
12 purchased the property, correct?

13 A. Yes.

14 Q. And those complications are independent of
15 ATXI's project because, in fact, they haven't built
16 it yet, correct?

17 A. Well, we don't know yet whether it's -- you
18 know, it's the primary proposal. So I guess that we
19 don't know yet what --

20 Q. Well, we do know that they have not built a
21 third line on the primary route, correct?

22 A. Right. But we can anticipate and talk

1 about what another one would do, and that's why we
2 talked with the primary -- with the aerial
3 applicators and others.

4 Q. On the second page of your testimony, I
5 guess, paragraph 6, and then there are some
6 subparagraphs there; 1, 2, 3 and 4. Do you see the
7 fourth subparagraph where it talks about -- it says,
8 fourth, Ameren pushed legislation in '07. Do you see
9 that?

10 A. Yes.

11 Q. Were you involved in the process that led
12 to the legislation for the expedited process?

13 A. I was not, and I was unaware.

14 Q. Now, in paragraph 7 you indicate in the
15 second sentence, "I have been told there are up to 12
16 more projects of power lines and pipe lines in the
17 works. These 12 more projects you discuss, are you
18 talking about projects that will directly impact your
19 property or just projects generally?

20 A. Projects to go across the State of
21 Illinois.

22 Q. Okay. And in paragraph 8, second sentence,

1 you say that, as I mentioned, "Ameren has decided
2 it's a good idea to put a third set of poles on my
3 farm."

4 Have you become aware, sir, through
5 your participation in this case that an organization
6 known as MISO or the Midcontinent Independent System
7 Operator was involved in studying the transmission
8 needs in Illinois?

9 A. I don't know anything about them other than
10 the little bit I was able to read in this process.

11 Q. Okay. I guess further in paragraph 8 of
12 your testimony talked about site specific planting,
13 fertility spraying and harvest, which are controlled
14 by satellite and radio signals will be limited or
15 completely unusable. Do you see that?

16 A. Yes.

17 Q. Now, do you use satellite and radio based
18 equipment in your farming operations today?

19 A. Yes.

20 Q. And do you have any issues with or problems
21 with satellite and radio signals?

22 A. Yes, we do. Actually, the equipment today

1 has -- it gives you how strong a signal you have.
2 That's why my son runs a lot of the equipment,
3 because I have trouble keeping up with everything
4 they have.

5 But, yes, and it shows a reduction.
6 In some cases we lose our signal when we are going
7 under the power lines that are there currently.

8 Q. Let's talk about paragraph 9, and we can
9 start to use our map here, too.

10 And let me draw your attention to the
11 map we have on the screen. I will represent to you
12 that this is a map indicating in the blue line,
13 ATXI's proposed primary route from Pana to Mt. Zion.
14 I guess it's an orangish line that zigs and zags. On
15 the right of the screen is the proposed alternate
16 route, and then a line in red in the middle, that is
17 what I understand to be the route you proposed in the
18 proceeding.

19 Can you identify this diagram as --
20 does it accurately describe what I just discussed?

21 A. Yes, I would say it's pretty close. It's a
22 little hard to tell from the writing where the -- the

1 red line to the proposed one, but basically we went
2 across since Ameren had already done the work on the
3 alternate route, but to get over to the Route 51
4 corridor was the important part, and the sooner the
5 better, because then it doesn't disadvantage any of
6 the farmland.

7 Q. Okay. Let's take a look. We will start
8 down near the Pana area. And I would like to look at
9 ATXI's proposed primary route.

10 Now, Mr. Corzine, it appears to me --
11 and correct me if I am wrong -- as we look at the
12 proposed primary route again shown in blue, it
13 appears to be farmland on both sides of the line at
14 the southern section closer to Pana; is that correct?

15 A. Yes, it is, because you are going right up
16 through the middle of -- cutting a good number of
17 farms in half. And I think on -- isn't that whole
18 line there, that would put a parallel set where they
19 will have the same issues that I am having with two
20 big sets.

21 Q. Well, it's your understanding that where
22 the proposed primary route is, again, showing the

1 blue, there is an existing set of transmission lines
2 there?

3 A. Yes.

4 Q. 138 lines?

5 A. Yes.

6 Q. Now, as we go north along the Pana to
7 Mt. Zion proposed primary route, we see additional
8 farmland to the east and to the west, and we get to
9 two parcels that we have highlighted in purple. Is
10 that your land, sir?

11 A. Yes. However, also the next parcel north
12 is as well. It's kind of our family farm
13 organization owns the next parcel north as well. So
14 that's sort of accurate, sort of not.

15 Q. So you have a parcel to the south?

16 A. Yes.

17 Q. And a second parcel to the north?

18 A. Yes.

19 Q. A third parcel I am pointing to?

20 A. Yes. And then if you go on east, we have
21 family members that own that parcel there as well.
22 So we farm that as well.

1 Q. Okay. And I am just trying to get a
2 general sense of your land in relation to the
3 transmission line.

4 A. Ah-huh.

5 Q. Let's go further north. And we see
6 additional farmland; is that right? Let's stop.

7 Is this -- we have identified another
8 parcel immediately west of the town of Assumption.

9 A. That's not correct, that one. You have to
10 go to the north side of 1200 North. That's where
11 I -- that's the home farm. We live there, and then
12 we farm that, half that section there.

13 Q. Okay. Let's go further north; more farms.
14 Are these your parcels, sir, the two that are shaded
15 in purple?

16 A. That we don't own, but we farm. We have
17 family members that own those, or relatives.

18 Q. Okay. Let's go further north. We are now
19 at --

20 A. Wait a minute. You may have to back up a
21 little bit.

22 Q. Okay.

1 A. Because I don't think that one is quite
2 right either, if I take another look. No. That one
3 is not quite right. It actually goes -- I forget the
4 number of the road, but from where the square
5 parcel -- the 40 acres, there is an 80-acre tract to
6 the north.

7 Q. Okay. Sir, how many parcels in total are
8 you contending will be affected by the primary route?

9 A. That we farm, you mean?

10 Q. Yes.

11 A. Were affected? Well, if you consider
12 that -- and I guess two parcels there. It's not that
13 southern one. It's the one up north, and then the
14 three parcels to the south, and then if you consider
15 the -- all the ground that we have in that section on
16 those three south, they may -- because of the
17 drainage system that's already there, they really
18 with the primary route probably would not be
19 affected.

20 Q. Okay. Let's go further north along the
21 primary route. We see it's farmland again to the
22 east and to the west. As we get up -- I'm not sure

1 what this street is. It appears to be some wooded
2 areas, perhaps, to the east and west, more farm, and
3 then we take a right-hand turn to the east. We are
4 north of Highway -- I guess that's 32. As we go
5 east, again, farmland to the north and south,
6 correct?

7 A. Yes.

8 Q. And then our blue proposed -- ATXI's
9 proposed primary route then picks up on the route
10 that you are proposing at Route 51, correct?

11 A. That's right.

12 Q. Okay. So as we -- it appears based on what
13 we have just looked at that the ATXI proposed route
14 from Pana to Mt. Zion goes through predominantly
15 agricultural land to the east-west and north-south,
16 correct?

17 A. Yes.

18 Q. Okay. And it didn't appear that there were
19 too many residences close to the line; would that be
20 fair? We can go back and count them if we need to.

21 A. I think that's fair. I don't think there
22 are too many. I think there may be a few, but --

1 Q. Okay. Let's now look at the route you are
2 proposing. And we will start again towards the south
3 at Pana, and let's get zoomed in here.

4 And as we look at your proposal from
5 Pana going north and south, it looks very similar to
6 Ameren's primary route with farms to the east and
7 west, correct?

8 A. Yes. The difference is that though -- the
9 Route 51 corridor that's already there, you are not
10 dividing or disadvantaging any of the farmland
11 because of the right-of-way that's already there.

12 Q. Okay. Now, as we get north of -- stop. As
13 we go -- we are looking on our map. We are on County
14 Road -- I guess that's 51?

15 A. It's Route 51, US 51.

16 Q. And as we look to the east of Dunkel, where
17 I am indicating, we see a -- zoom in. It looks to be
18 a residence.

19 A. Ah-huh.

20 Q. Just immediately to the west of your
21 proposed route, correct?

22 A. Yes, that's right. But also you can see

1 that those are pretty long driveways. I'm not sure
2 what your distance requirements are, and one thing
3 that should be noted is that this is an area that
4 they are continuing the Route 51 expansion. I mean,
5 the equipment is even there. They are doing the
6 work. So I think your photo is fairly current,
7 because it shows the by-pass around Assumption, but
8 these folks already have plans. So the
9 right-of-way -- the additional right-of-way that IDOT
10 is taking has already been purchased. They have
11 already cleared. They aren't farming and
12 arrangements have been made. Those driveways are
13 going to be changed as well.

14 Q. Okay. Let's go further up your -- further
15 north on your proposed route. More farmland to the
16 east and west. We are now north of 51, more farms.
17 And just north of 51 to the west, we have another --
18 it appears to be a residence along the route,
19 correct?

20 A. It is. And they are not sure -- that
21 homestead is in jeopardy because of the Route 51
22 project. I'm not sure whether the folks -- they are

1 older folks, whether they are actually going to stay
2 there, and those other things there are actually --
3 they are bin sites without homes.

4 Q. Okay. As we go further north, the -- we
5 come to two more it appears to be farms or residences
6 on 51 just as the road starts to veer to the east,
7 correct?

8 A. Wrong, because both of those that you
9 mentioned, there is no farmstead there, and actually
10 IDOT has already purchased the one to what would be
11 the east, and the home has been removed, and the
12 buildings -- I think they are going to remove all of
13 those. The other way, there are just grain bins up
14 there, and it will be easy for you to see if you
15 would have or could have had the time to drive it.

16 Q. Okay. Let's continue north. We get into
17 the Town of Assumption, correct?

18 A. Yes.

19 Q. Do you know what this --

20 A. Yeah, that's GSI.

21 Q. GSI stands for what?

22 A. Grain Systems, Incorporated, a grain bin

1 manufacturer and other grain handling equipment.

2 Q. Okay. Do you think it's likely that IDOT
3 is going to acquire and condemn this entire factory
4 shown to the west of Route 51?

5 A. Well, you know that's not going to happen,
6 but they have already put the four-lane in, and
7 actually, there wouldn't be anything to keep Ameren
8 from going to the other side of the roadway, and
9 there is no homestead on that other side. It is just
10 a grain facility as well.

11 Q. Let's continue north.

12 More farmland and then the route veers
13 to the east again, correct?

14 A. Yes. And once again, it's not interrupting
15 or making any new encumbrance on any of the farmland,
16 because --

17 Q. Well, hold on, sir. Is this your farmland?

18 A. No.

19 Q. Okay. So you are not really in a position
20 to say whether it's encumbered or not, are you?

21 A. Well, yes, I am, because I am a farmer and
22 I know, and the -- some of the farmland was

1 interrupted by IDOT and --

2 Q. Okay. Let's look at the homes on East
3 Warren Street to the west of 51. Is it fair to say
4 some of those folks might feel they are being
5 encumbered by a transmission line?

6 A. Well, I don't know that, because Route 51
7 is four-lane and is right there now already.

8 Q. Just as two transmission lines are on your
9 property now already?

10 A. No. There is a pretty big difference,
11 because it doesn't seem to change any of their
12 operating procedures.

13 Q. Okay. Let's go north along your route. We
14 have an additional residential area to the west of
15 51, correct?

16 A. Yeah. What is that? Is that about a half,
17 a quarter -- that's got to be getting close to
18 probably a quarter of a mile where your arrow is and
19 then on up there at the road, it's maybe -- it's a
20 little less than a quarter mile.

21 Q. Okay.

22 A. Which is 1,300 feet.

1 Q. Does this appear to be additional
2 residences to the west of 51 at the portion of the
3 map we are looking at?

4 A. No. Those are businesses.

5 Q. Okay.

6 A. And a -- yeah. There is a church that's
7 recently been put up there.

8 Q. Okay. Let's continue north. I guess we
9 have a dog lake here. It looks like the road has
10 been widened.

11 A. I actually am not sure why -- if that's
12 drawn correctly, because I'm not sure why we go --
13 why we go out there, unless that's been proposed,
14 too.

15 Q. Okay. Let's continue north. I think we
16 are --

17 A. We've got to be getting about there.

18 Q. Yeah. Here we have additional residential
19 areas to the east and west of 51, correct?

20 A. They are a pretty good ways away there.
21 They are -- I don't know. I haven't measured them,
22 but they are a pretty good distance.

1 Q. Okay. As we continue north on 51 again,
2 residential areas to the west, correct?

3 A. That's the Town of Macon.

4 Q. And as we continue north through Macon,
5 residential areas until we get out to the farmland?

6 A. I'm not sure if that -- that one, I don't
7 know. I don't think there is a residence there. I
8 don't think that's right.

9 Q. Why don't we -- let's zoom in and figure it
10 out. I would ask Mr. Rockrohr about how these maps
11 zoom.

12 A. Those are all businesses. There is a
13 fertilizer plant. There is a -- let's see -- grain
14 facility, the Co-op has something there, and then
15 there is also a private trucking company.

16 Q. Okay. Let's continue north.

17 A. It's so hard to tell. I don't recall, and
18 I drive that road quite a lot. I don't recall there
19 being a residence there. It looks like there is
20 something by the map, no doubt, but I would also
21 think it wouldn't take much to -- I don't know what
22 it would take to cross the highway, you know, put it

1 on the other side while you go past those. I don't
2 know whether that's an option. We have plenty of
3 engineers.

4 Q. Let's continue north on your proposed
5 route, and then I get -- we get up to a section of
6 ATXI's primary that the route that you are proposing
7 would actually link up to and continue to the east,
8 correct?

9 A. Yes. And I think the engineer said that
10 that route -- our proposed route is -- would probably
11 be less. He at least said it was shorter in his
12 testimony.

13 Q. Okay. I want to talk a little bit about
14 your involvement in the public process that you
15 discuss in your testimony, and this is paragraph 10
16 predominantly. And you indicate that you learned of
17 a public meeting regarding this project in June of
18 2012; is that correct?

19 A. Yes. I actually learned kind of by
20 accident. It was in our county newspaper.

21 Q. That's how you found out about it?

22 A. I think so. I don't think I got a notice

1 on that. I could be wrong about that. I'm not sure.

2 Q. Okay. And it says here you learned the
3 process to go to their website to offer comments. I
4 am assuming that's ATXI?

5 A. Yes.

6 Q. Their website. And you, in fact, had
7 attended some public meetings, did you not?

8 A. I did.

9 Q. And at the meetings that you went to in
10 June, was it the case that Ameren was basically
11 discussing potential or numerous potential routes and
12 asking for the public's input? Is that generally
13 what happened?

14 A. I think generally it was -- it seemed
15 pretty vague. At that time there was one fairly wide
16 corridor that they showed that they said they would
17 be narrowing up, and they were -- that's why I tried
18 to use the process that apparently wasn't working
19 very well, in making those comments, and as I
20 mentioned, I actually went an extra step to try, and
21 it seemed my comments were lost.

22 MR. WHITT: Okay. Those are all the questions

1 I have.

2 EXAMINATION

3 BY JUDGE YODER:

4 Q. Mr. Corzine, I just have a couple of
5 clarifying questions. On the -- going through the
6 map there was -- that Ameren is showing their primary
7 route, I believe it was, and there was, I think, two
8 parcels at the further south point on there that were
9 highlighted where the route kind of went through.

10 Were those the 155-acre parcels that
11 you were taking about in your testimony?

12 A. The 155-acre, let's see. Yes. On the
13 southern part, and then the --

14 Q. Well, wait. Let me -- so that was the farm
15 that you bought with your dad; is that correct?

16 A. Yes.

17 Q. And what year was that?

18 A. We purchased that farm in 1975, in that
19 neighborhood.

20 Q. Okay. And going further north I think it's
21 that little parcel there that you thought might be on
22 the other side of the road by Assumption?

1 A. Ah-huh.

2 Q. You said that's another parcel that you
3 farm?

4 A. Yeah. That's what we call our home place.
5 That's where my wife and I live and we --

6 Q. That's a farm that you own?

7 A. Yes.

8 Q. Okay. And then further north there were
9 some other highlighted parcels. Do you own those or
10 farm those?

11 A. No. We farm those for some relatives.

12 JUDGE YODER: Okay. That's all I had. I just
13 wanted to clarify those.

14 Do you want to speak to your client or
15 do you have any redirect or --

16 MR. TIGHE: No, your Honor. I think we are
17 good.

18 JUDGE YODER: I'm sorry?

19 MR. TIGHE: No, your Honor.

20 JUDGE YODER: You have no redirect?

21 MR. TIGHE: No redirect.

22 JUDGE ALBERS: Okay. With that, is there any

1 objection to the admission of the Direct Testimony of
2 Mr. Corzine in this docket? It's identified as
3 Corzine Exhibit 1.0.

4 MR. WHITT: No objection.

5 JUDGE YODER: Without objection, then his
6 testimony will be admitted into evidence for this
7 docket.

8 (Whereupon, Corzine Deposition
9 Exhibit No. 1.0 was admitted
10 into evidence.)

11 JUDGE YODER: Thank you, Mr. Corzine. You may
12 step down.

13 That appears to be it for cross today.
14 Are there any housekeeping matters anyone would like
15 to take care of before we break for today?

16 MR. SKEY: Your Honor, this is Chris Skey in
17 the Chicago ICC office. I had a housekeeping matter
18 that I would like to raise, if I could. On behalf of
19 the Nature Conservancy. The question I have, your
20 Honor, is there have been a number of different
21 e-mails going back and forth between Mr. Sturtevant
22 and your Honor -- or your Honors regarding witnesses

1 for whom there are apparently no cross-examination
2 questions.

3 And so the question on the table has
4 been whether your Honors have any questions for those
5 witnesses, and I understand from Judge Yoder's
6 comments this morning that he had some questions, I
7 believe, for a Mr. Webb, but other than those
8 questions for Mr. Webb, is it safe to assume that
9 your Honors do not have any questions for any of the
10 other witnesses who have been identified in those
11 various e-mails?

12 JUDGE YODER: That was actually Judge Albers
13 who had a couple of questions for Mr. Webb, and other
14 than that, I believe it's correct that we did not
15 have any questions for those witnesses.

16 JUDGE ALBERS: Correct.

17 MR. SKEY: For any of the witnesses who have
18 been on those lists?

19 JUDGE ALBERS: Correct.

20 MR. SKEY: Okay. Thank you very much, your
21 Honor. I appreciate that. I just wanted to be clear
22 on that.

1 MR. DEARMONT: This is Eric Dearmont on behalf
2 of ATXI with a similar matter. First up in the
3 morning is Wiese Farms. Mr. Wiese is scheduled to
4 testify. The company no longer has cross-examination
5 for him, and I wanted to inquire as to whether or not
6 either of you did.

7 JUDGE YODER: No.

8 JUDGE ALBERS: No.

9 MR. DEARMONT: I will be happy to convey that
10 to his counsel. Thank you very much.

11 MR. HARVEY: Your Honor, there is -- I'm sorry.
12 I prepared some stipulated data requests to submit on
13 behalf of staff and MISO.

14 I can either submit those
15 electronically or on paper depending on your
16 preference.

17 JUDGE YODER: If you have them in paper, you
18 can submit them.

19 MR. HARVEY: Okay. I will mark this as
20 Staff-MISO Joint Exhibit 1?

21

22

1 (Whereupon, Staff-MISO Cross
2 Exhibit No. 1 was marked for
3 identification.)

4 MR. ROBERTSON: Are you still waiting for other
5 business, your Honor?

6 JUDGE ALBERS: You yield the balance of your
7 time? All right.

8 MR. ROBERTSON: Yeah. I understand based on
9 conversations with the attorneys for the Shelby
10 County Landowners and the ATXI that neither ATXI, nor
11 the Shelby County Landowners have cross-examination
12 for MCPO witness Greg Sanders, and ATXI has no
13 cross-examination for MCPO witness Robert Fischer,
14 and unless your Honors have cross for either one of
15 those, it would be our intent to put their testimony
16 in by affidavit.

17 JUDGE YODER: I do not.

18 JUDGE ALBERS: I do not.

19 MR. ROBERTSON: Thank you.

20 JUDGE YODER: Mr. McNamara, do you have
21 something?

22 MR. McNAMARA: Yes. Tomorrow afternoon there

1 is Kelly Dodsworth; for the party Sangamon Landowners
2 Preservation Association. Do you have any questions
3 for them? The other parties have waived
4 cross-examination of Mr. Dodsworth.

5 JUDGE YODER: No. It appears we do not.

6 MR. McNAMARA: On Thursday afternoon Steve Rhea
7 of the same group is scheduled. The cross-examiners
8 have waived cross of Mr. Rhea. Do you have any
9 questions for him?

10 JUDGE YODER: No.

11 MR. McNAMARA: Thank you.

12 JUDGE ALBERS: Mr. Harvey, do you move for the
13 admission of your Joint Cross Exhibit MISO --
14 Staff-MISO Exhibit 1.

15 MR. HARVEY: Yes, I do so, your Honor.

16 JUDGE ALBERS: Do you have any objection to the
17 admission of that?

18 MR. MORAN: Can we get copies of that, your
19 Honor?

20 JUDGE YODER: Yes. I think we discussed
21 earlier, joint cross exhibits we will file them here
22 and then e-mail a copy to the remainder of the

1 service list.

2 MR. HARVEY: We can do that.

3 JUDGE YODER: That way anybody who wants one
4 can have one.

5 MR. HARVEY: The one that you get will be far
6 neater than the one that has been provided today.

7 JUDGE YODER: All right. With no objection
8 then, the Staff-MISO Joint Cross Exhibit 1 will be
9 admitted into evidence in this docket.

10 (Whereupon, Staff-MISO Cross
11 Exhibit No. 1 was admitted into
12 evidence.)

13 JUDGE YODER: And for any of the other parties
14 who admitted cross exhibits earlier today, go ahead
15 and e-mail that to the -- they will already be
16 admitted into evidence. Just e-mail a courtesy copy
17 to the remainder of the service list and that way
18 everyone will have a copy.

19 And further today?

20 MR. STURTEVANT: I don't know if your Honors
21 want to take some time to knock out some witnesses
22 who were testifying via affidavit or whether we want

1 to save that for a different time.

2 JUDGE YODER: All right. I assume these were
3 ATXI witnesses?

4 MR. STURTEVANT: Yes. First off, your Honor,
5 we have the testimony of Ronald Dyslin, what is
6 marked as ATXI Exhibit 8.0, Direct Testimony of
7 Ronald Dyslin, and that is supported by his
8 affidavit, which is marked as ATXI Exhibit 8.1.

9 And we would move the admission of
10 Mr. Dyslin's testimony at this time.

11 JUDGE YODER: All right. Any objection to the
12 admission of ATXI Exhibit 8.0?

13 (No response.)

14 JUDGE YODER: Hearing none, that will be
15 admitted into evidence in this docket.

16 (Whereupon, ATXI Exhibit Nos.
17 8.0 and 8.1 were admitted into
18 evidence.)

19 MR. STURTEVANT: Next up, your Honor, we have
20 Mr. Rodney Frame, what is marked as ATXI Exhibit 9.0,
21 second revised, the Revised Direct Testimony of
22 Rodney Frame with accompanying exhibits, ATXI

1 Exhibits 9.1, 9.2 Revised, 9.3 and -- sorry. 9.4,
2 9.5, and 9.6 Revised, and these are supported by
3 Mr. Frame's affidavit, which is marked as ATXI
4 Exhibit 9.7, and we would move for the admission of
5 Mr. Frame's testimony and exhibits at this time.

6 JUDGE YODER: Any objection to the admission of
7 that testimony?

8 (No response.)

9 JUDGE YODER: That will be admitted into
10 evidence in this docket.

11 (Whereupon, ATXI Exhibit Nos.
12 9.0 Second Revised, 9.1, 9.2
13 Revised, 9.3, 9.4 - 9.6 Revised
14 and 9.7 were admitted into
15 evidence.)

16 MR. STURTEVANT: Next we have Mr. Darrell
17 Hughes, what is marked as ATXI Exhibit 6.0, the
18 Direct Testimony of Darrell E. Hughes, his rebuttal
19 testimony, marked as ATXI Exhibit 14.0. These are
20 supported by his affidavit, which is marked as ATXI
21 Exhibit 14.1. We would move for the admission of
22 Mr. Hughes' testimony at this time.

1 JUDGE YODER: Any objection to the admission of
2 that testimony?

3 (No response.)

4 JUDGE YODER: Hearing none, they will be
5 admitted into evidence in this docket.

6 (Whereupon, ATXI Exhibit Nos.
7 6.0, 14.0 and 14.1 were admitted
8 into evidence.)

9 MR. STURTEVANT: Lastly, your Honor, we have
10 the testimony of Ms. Linda Erdreich. Her testimony
11 is marked as ATXI Exhibit 17.0, Rebuttal Testimony of
12 Linda S. Erdreich, and it's supported by ATXI
13 Exhibit 17.1, which is her affidavit, and we would
14 move for admission of that testimony at this time.

15 JUDGE ALBERS: Any objection to the admission
16 of that testimony at this time?

17 (No response.)

18 JUDGE YODER: Hearing none, that will also be
19 admitted into evidence in this docket.

20 (Whereupon, ATXI Exhibit Nos.
21 17.0 and 17.1 were admitted into
22 evidence.)

1 MR. STURTEVANT: That's, I think, all I have at
2 the moment.

3 JUDGE YODER: Thank you. Is there anything
4 else before we break?

5 MR. McNAMARA: I am just wondering if we could
6 talk a little bit about the schedule for tomorrow.
7 MISO is going first. Is that the way it's going to
8 work out?

9 MS. BOJKO: It's my understanding that we would
10 have Mr. Webb available on the phone at 9:00 a.m.,
11 sir.

12 JUDGE YODER: All right. Yes.

13 MR. McNAMARA: I have a witness later in the
14 afternoon. I am trying to figure out how many are
15 going to be in front of my witness at the end. So I
16 guess everyone else with the exception of MISO who
17 will go at 9:00. Is that the way it's looking?

18 JUDGE YODER: Yes. And then we will just go --
19 usually we go down the schedule from there unless
20 somebody has a scheduling problem.

21 MR. McNAMARA: Okay. Thank you.

22 MS. BOJKO: Your Honor, I just had a matter

1 about the Webb testimony via phone, just so we have
2 Mr. Webb prepared. If he has in front of him his
3 regular testimony -- his direct testimony and his
4 rebuttal testimony and his attachment to that
5 rebuttal testimony, is that all he will need?

6 JUDGE ALBERS: Yes.

7 MS. BOJKO: Okay. Thank you.

8 MR. GOWER: Your Honors, Ed Gower on behalf of
9 the Stop the Power Lines Coalition. We will be
10 filing or have filed this afternoon a motion for
11 leave to file supplemental direct testimony addressed
12 to the modified route in Clark County that surfaced
13 in the rebuttal testimony of ATXI.

14 I just wanted to bring it to your
15 attention so that -- there is a lot of filing going
16 on, and I am sure that there -- I have advised
17 Mr. Fitzhenry that we filed it so that he can find it
18 as well and -- or will be filing it. I am sure they
19 will want to file a response. I just wanted to bring
20 it to your attention.

21 JUDGE YODER: With that understanding, we will
22 await the filing, and if there is nothing else, we

1 will adjourn until 9:00 tomorrow morning.

2 (Whereupon, the proceeding was
3 continued to 9:00 a.m. on May
4 14, 2013.)

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